



# **The Life of Henry Laurens**

**With a Sketch of the  
Life of Lieutenant-Colonel John Laurens**

**By**

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## PREFACE

SEVERAL years ago Prof. Charles W. Kent, of the University of Virginia, asked me to prepare a sketch of Henry Laurens for the Library of Southern Literature, to which in my ignorance I readily consented. I soon found that the sketches, eulogies, monographs, etc., from which one can usually throw together an article were in this case very much lacking. Dr. David Ramsay, who numbered Laurens as the last of his three eminent fathers-in-law, published a brief sketch in 1808 in his *History of South Carolina*, which has been variously pillaged, plagiarized, and distorted from time to time since, and which is invaluable as a character sketch, but otherwise very lean. Dr. Francis Wharton, in the sketches of the diplomatists of the Revolution in the first volume of his *Diplomatic Correspondence of the American Revolution*, gives a very incisive review and criticism of Laurens's life on the national stage which is, however, disfigured by filling in the plenteous gaps in his information by atrocious innuendoes, erroneous inferences and outright misstatements. Besides these there was a rather meager and widely scattered body of Laurens's published writings. I resorted to the Laurens MSS. in the South Carolina Historical Society collections and found them an unworked treasure field. With every spadeful my interest grew. I found that here was a great and good man who had lain for a century in an unjust neglect. My quickened interest in the historical material was equalled by my affectionate esteem for the man. I determined to write his life. I hope I have succeeded in bringing from a neglect, which is as unfortunate for ourselves as undeserved for him, a man whom Professor Tyler calls "the noblest Roman of them all—the unsurpassed

embodiment of the proudest, finest, wittiest, most efficient, and most chivalrous Americanism of his time."<sup>2</sup>

I have quoted largely from Laurens's papers, for the reason that he has never been heard in his own voice through the publication of his works. His extensive and forceful writings have been so inaccessible as to remain generally unknown even among students of American history.

A list of all the sources which I have used to any extent is found in the bibliography. More important than all others is the body of MSS. in the South Carolina Historical Society comprising thousands of pages of his letter books and occasional memoranda, all too few, of speeches, debates, quarrels, etc. All references to Laurens's letters are to these MSS. unless otherwise stated. Other important collections of Laurens's MSS. are in the Library of Congress, the New York Public Library, the Long Island Historical Society Library, and the Library of the Historical Society of Pennsylvania; while the Charleston Library Society, the American Philosophical Society of Philadelphia, and a number of others, possess valuable newspapers, pamphlets, and letters. The Carnegie Institution of Washington opened to me the valuable collection of transcripts of letters from many sources which are to be published as *Letters from Members of the Continental Congress*. Laurens's letters are among the most numerous in the collection. The few unpublished Laurens letters still, I have reason to believe, in private hands in New York and other places I have not seen. I can only hope that I have missed nothing essential. For the errors and oversights which I cannot hope entirely to have escaped I can only crave charitable indulgence.

In a work of this kind I do not see the use of stickling for every capital and punctuation mark's being exactly as in the original, as this often serves only to distract attention by its oddity. In a number of papers, especially when of particular importance, I have left punctuation and capitals exactly as in the original; in most others I have modernized punctuation and capitals. Which usage is employed readily appears on

<sup>2</sup> *Literary History of the American Revolution*, ii., 242-3.

the face of the extract. Beyond this, I have taken absolutely no liberty with the MS., not even, so far as I can recall, to correct that rare error, a misspelled word. I have concealed, twisted, glozed over nothing in either his private or public life, and under this treatment Laurens stands an unspotted man whose character could not be soiled by the publication of every line that has come down of the thousands of pages in which for forty-five years he recorded the activities of his life and the sentiments of his heart.

All dates previous to September 3, 1752, the first day of the corrected calendar, and called September 14, are either marked Old Style or are corrected to New Style except in the case of letters, statutes, etc., whose dates are always quoted as in the original for convenience in reference. The year is, of course, also corrected for all dates between January 1st and March 24th, inclusive, before 1753. This may lead at times to apparent contradiction, as most writers on South Carolina history have not corrected the dates. I consider that it is essential to do so in order to be on the same basis as the rest of the world.

It is a pleasure to acknowledge obligations to many friends. If I may distinguish some apart from others, I would thank Mr. Henry Rutledge Laurens, the great-grandson of Henry Laurens and present head of the family, for traditions, anecdotes, and valuable details of family history; Mr. H. E. Ravenel and Dr. Yates Snowden for the loan of rare books and pamphlets. The librarians in charge of the manuscripts of the various libraries not only made my task as pleasant as possible, but in several instances supplied me with valuable facts from their own knowledge of the field. I am especially under obligations to Miss Mabel L. Webber, of Charleston, Mr. Wilberforce Eames, of New York, and Dr. I. Minis Hays, Mr. Bunford Samuel, and Mr. Ernest Spofford, of Philadelphia. My father and President H. N. Snyder, of Wofford College, have rendered the valuable service of reading the proofs. The help of other friends is acknowledged in footnotes. It is a pleasure to thank my wife for her interest and practical assistance.

D. D. W.



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# The Life of Henry Laurens

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## CHAPTER I

### ANCESTRY AND EARLY LIFE

SEE that swarthy, well-knit man, somewhat below the middle size walking straight down East Bay with a quick, decided, confident step. A prompt, busy-looking gentleman who, you may be sure, has his business well in hand.<sup>1</sup> That is Henry Laurens, the importer and commission merchant, as he goes along the wholesale quarter near the wharves and warehouses. The face is that of a man very much the master of himself, his resources and his moods and passions. Those lips, naturally so firm as not to need to be compressed, look suited to say sharp things if their owner chooses, and doubtless he will sometimes choose. The nose, not long but drooping just a little at the end so as to hide the nostrils, sorts well with such a mouth; the eyes are very watchful, eyes, said an unfriendly critic once, that warn an opponent to be upon his guard and having in them a quizzical, twinkling humor that carries the suggestion both of fun and biting wit. The whole man looks aggressive and just a bit cock-sure. As he sits to have his picture painted he leans forward and rests his knuckles

<sup>1</sup> Note his portraits; also his order for stockings in 1767 describing his legs as short and stout. He was practically never sick until a spell of several weeks' poor health in the autumn and winter of 1765-6, at the age of 41-2. Laurens to Fisher, Feb. 27, 1766, in Historical Society of Pennsylvania.

on the writing-table as though impatient to return to his papers. The face is roundish, and firm about the jaws. It is in truth a "keen, intelligent, yet rather melancholy countenance," the last particularly after the years had done their sad work. He might be a Frenchman of the soberer, more earnest type, perhaps a Huguenot. He is such a man, in blood and character as well—an American Huguenot, active, aggressive, successful, religious, and very decided. "I go to church and come home again," he writes in 1767; "to the House of Assembly and return to my habitation, avoiding all disputes about tenets, refined politics, and party. At home I am always cheerful and never sad, which speaks the general state of my mind." This is Henry Laurens, the successful man of affairs, in his prime.

We are not able to trace the Laurenses into a very remote antiquity. The name was common in the west and southeast of France and was borne by many families having no known connection, so much so, indeed, that many years before our family left France there were numbers of Laurenses in New York, sometimes with the same Christian names as the ones we are tracing.<sup>1</sup> The family in which we are interested, however,

<sup>1</sup> De Ribbe, *Une famille au XVIIe siècle*, 107, n.; Baird's *Huguenots; Collections of the Huguenot Society of America; Collections of New York Genealogical Society*, ii., 137, etc. There appears to be no ground for the statement sometimes made in recent times that the family is descended from the distinguished André du Laurens, the physician of both Henry IV. and his queen, Marie de' Medici, Chancellor of the University of Montpellier, the author of extensive medical works and belonging to the lower nobility. Henry Laurens knew nothing of such a connection, as will appear below. There are ample reasons to render it highly improbable that any such existed, not to go further than the fact that Henry's father, from whom he drew his family history, the son of the refugee, should not have known of it. The refugee, who left France only seventy-three years after the death of André du Laurens, was a man of intelligence and social standing and would have known and cherished his descent from one of the most distinguished savants of his time, a favored friend of his sovereign and moreover a member of a large family almost every son of whom attained eminence. He would also have been quite likely to keep his name Du Laurens, as that of the physician was as far back as we can go and remained as long as there was a descendant to bear it, as indicative of his aristocratic extraction. Aside from this and more to the same effect, the following seems to be con-

were evidently people of good standing in France; for some time after 1716 their descendants were generally too proud to follow trades; the coat of arms appears to go back to the old French home; the possession of old title deeds, and particularly of old commissions, by Henry Laurens's father indicates previous prominence, as does also the prosperity of a near kinsman in

clusive. The distinguished physician's family came from Savoy and settled in Provence. In the quotations which follow the writer is tracing the disappearance of the family which became extinct largely by reason of the celibacy of many of its members—bishops, abbots, and high officials in Catholic orders:

"André, le médecin de Henri IV., mort en 1609, avait eu de son mariage avec Anne de Sanguin de Livry un fils et deux filles. Mais ce fils demeura étranger à la Provence; après avoir été quelque temps d'armée, il devint gentilhomme de la chambre du Roi, et mourut sans postérité. Une des filles, nommée Marie, avait épousé, le 12 Mars 1627, François du Culant, seigneur de Monceaux."—Charles de Ribbe: *Une famille au XVIIe siècle*, d'après des documents originaux. Alfred Mame et Fils, éditeurs, Tours. MDCCCLXXIX, p. 132.

"Toute cette nombreuse famille ne se trouva donc plus représentée, après une génération, que par les trois fils d'Antoine, dont l'un était prêtre. De ce côté-là, du moins, y eut-il quelque descendance? Moréri mentionne un abbé, Pierre de Laurens, fils de Robert (Robert, son of Antoine the brother of André) qui fut successivement docteur en Sorbonne, grand prieur et vicaire de Cluny, puis évêque de Belley, et mourut le 17 janvier 1705, âgé de 87 ans. Mais nous n'avons aucun renseignement sur les autres, en sorte que nous ignorons si la famille s'est continuée, loin de la Provence, ou si elle s'est éteinte."—*Ib.*, 132-3.

This follows immediately:

"Certes lorsque Jeanne (the sister of André, who wrote a sketch of the family) se montrait si justement fière 'd'être sortie d'une telle race', celle-ci, bien que déjà très décimée, semblait avoir encore devant elle quelque avenir. Et cependant elle a disparu, ou, s'il en est resté quelques rejetons, la tradition s'est rompue pour eux. Dès lors une question se pose:—N'a-t-il pas manqué quelque chose aux du Laurens pour se perpétuer?" Then goes on to enumerate the virtues of the family and quote Scripture on the prosperity of such.—*Ib.*, 133.

Besides De Ribbe's *Une famille au XVIIe siècle*, see article on André du Laurens in Firmin Didot's *Nouvelle Biographie Générale*. I am under obligations to Dr. Grasset of the University of Montpellier, who worthily carries forward the scientific ideals of his distinguished predecessor in the same institution, and his learned cousin, M. Emile Bonnet, for first directing me to the sources of information regarding André du Laurens.

Holland early in the eighteenth century. Henry Laurens's grandfather Jean Laurent (as it was sometimes spelled) was a merchant in Rochelle, and died before 1681, leaving his widow, Elizabeth Menigaut (Manigault) and a son André. They resided in the parish of Saint Sauveur. Among the closest and oldest friends of the Laurenses were the family of Daniel Lucas, also a merchant of Rochelle, who owned a small farm near-by at Périgny. In 1682, when the pressure of persecution was waxing heavier, André Laurens and his widowed mother and Daniel Lucas, his wife Jeanne Marchand and their four children, fled to England. Madame Jeanne Lucas soon died in her new home; but the friendship between the families grew into a closer bond when the widow's son and the widower's daughter—André Laurens and Marie Lucas—were married in the French church in Threadneedle Street, February 22, 1688, Old Style, I presume.<sup>1</sup>

The Laurenses tried their fortunes in Ireland, and from Ireland they migrated to New York, which had already received many of their faith and name, if not of their kin. Others of the family fled from the persecution in France to Holland, where they showed the same thrifty intelligence as the American branch by likewise growing rich. Their correspondence gradually ceased and the connection was entirely lost.

The new-comers in New York were not among strangers, for the numerous colony whose interests centered around the French church were a sympathetic community, living very much its own distinct life, and there are several reasons for supposing that they had Laurens relatives in the town. We find mother and son in 1700 as witnesses at the marriage of a Jean Laurens and Marie Benereau.<sup>2</sup>

<sup>1</sup> Baird's *Huguenots*, i., 282-3. Both Baird and Ramsay (*Memoirs of Mrs. Mariha Laurens Ramsay*, 11) say Marie Lucas and André Laurens were both born in Rochelle. Other spellings in the old records are Lorans, Laurant, Lauren, Luca.)

<sup>2</sup> *Collections Huguenot Society of America*, i., 74. The names as given are "Elizabeth Mangaux" and André Laurens. Women appear to be always called by their maiden names in these records. Men are sometimes recorded by only Christian names.

We have the record of the birth of two sons and a daughter to André Laurens in New York. March 30, 1696 (O. S.), was born the son on whom the family name was to depend, the father of the subject of this biography, who was christened Jean Samuel, in honor, perhaps, of the new friend Samuel Grasset, of whom more anon, though the fine old Bible names were common enough in all the families for Marie Laurens to have had a brother Samuel to name their son for, as she did another son Auguste.<sup>1</sup>

We know nothing further concerning the Laurenses in New York except the family of the girl who, upon the eve of their departure for Charleston, became the wife of young Jean and the ancestress of the family which was to attain distinction. This family, the Grassets, fled from France about the same time as the Laurenses and Lucases. "Augustus and Marie Grasset, naturalized in England, March 8, 1682 (O. S. I presume), came as early as 1689 to New York, where Grasset became a leading merchant and government official, and one of the 'chefs de famille' of the French church. He was murdered in the negro insurrection, April 7, 1712."<sup>2</sup> We find the Laurenses and Grassets standing godparents for each other's children. About 1700 appears a Samuel Grasset along with his wife Martha Poupin or Poupain, industriously registering his offspring, one of whom he named Auguste, we may infer, for his father. There were several Esther Grassets; the girl of this name born in 1700 whom young John Laurens married in about 1715 or -16, was probably Samuel Grasset's daughter.<sup>3</sup> At all events we arrive at this very important fact: that the pure Huguenot Jean Laurens as a youth of about nineteen, in 1715 or -16, married the pure Huguenot Esther, or Hester, Grasset; and in that unmixed Huguenot ancestry lies very largely the explanation of Henry Laurens their son, the American statesman.<sup>4</sup>

<sup>1</sup> *Collections Huguenot Society of America*, i., 47.

<sup>2</sup> Baird's *Huguenots*, i., 289, n. 1.

<sup>3</sup> Son Auguste was born March 15, 1699, thus leaving some new arrival due to Samuel Grasset in 1700 whom we do not find otherwise specified. *Collections Huguenot Society*, i., 54, 63, *et passim*.

<sup>4</sup> The Laurens family record of today spells the name Grosset. The

André Laurens remained in New York, it seems, about twenty years; but despite the fact that he was among his own people, the restlessness was upon him of a man driven from his first home and finding no place like the old one to place his foot. The widowed mother was no more, and in 1715 or -16 André, now probably past fifty, gathered his family together and sailed for Charleston, where he found his fifth and last residence. His son, Jean Samuel, or as he is henceforth called simply John, brought with him his fifteen- or sixteen-year-old wife, Hester (or Esther) Grasset, the marriage, we may imagine, one of the last scenes in the old home, surrounded by friends in the old French church with feelings suitable for such a joining and such a parting.<sup>1</sup>

André Laurens, the refugee and immigrant, died soon after settling in South Carolina. Few as are the lines in which we can sketch him, yet he stands out as a man of piety, shrewdness and force. At the time when the humble foundations were being laid for the great fortunes and family careers which the next two generations were to witness, he did his part in giving his children their start in the race. "He had saved so much money as enabled him to set up four sons and one daughter with such portions as put them above low dependence."<sup>2</sup>

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change of the letter can easily be understood. Grasset is certainly correct. The British Museum Catalogue of Printed Books has many Grassets but only two Grossets. I did not find Grosset in the old New York records until 1708, and then evidently changed by time, as it was attached to the same old Grasset family names. There was another Jean Laurens, older than our character, in New York at this time, and perhaps a kinsman. "André Laurant" and "Elyzabeth Mangaux," our immigrants, witnessed his marriage in 1700 and André was godfather to his child, born May 30, 1713 (O. S.) after the father's death. *Collections Huguenot Society of America*, i, 75, 129.

<sup>1</sup> The will of Jane Berryman, of New York, March 24, 1701 (O. S.), is witnessed by "Andrew Laurens."—*New York Historical Society Colls.*, 1893, "Abstracts of Wills," ii, 82. The family record says the coming to Charleston was May 20, 1716. Henry Laurens, in the latter part of 1774, quoted below, says "in 1715." The family record gives the birth of Esther Grasset as in 1700. For other data see the letter of Henry Laurens, Feb. 25, 1774, below.

<sup>2</sup> Henry Laurens's letter of Feb. 25, 1774, below.

The establishment of the American-born John with his American-born wife as an independent householder in their new home in Charleston, away from the clannish group in which they had been born and reared, marked the beginning of a life fully incorporated with that of the general community. Though there was a Huguenot church in Charleston, he identified himself with the Episcopal St. Philip's, and was in a few years found occupying prominent positions in both church and city life. He seems to have been the "fittest" of his family by reason of having inherited practical sagacity from his father, while the others, lacking this, but endowed too freely with "the French pride of family," died out in a generation or two or left the province. All else was secondary to economic independence, and John Laurens struck for this independence by the directest means he saw. He learned the trade of saddler and followed it with such industry as to make himself a much-respected citizen. Like many another distinguished American family, his was given at least a new start by the native vigor which did not balk at plain hard work. If the contrary were not so commonly taken for granted, it would hardly be worth while to call attention to the fact that the progenitors of aristocratic American families (if such a phrase may be used) were often in the colonial days of rice, indigo, rum, fur and slave trading, men of humble occupations, as may be observed in the moneyed aristocracy of today, rising by dint of their own ability out of the railroad, the mine, the oil-well or the factory. The principle is always the same, the application differing according to circumstances. *E.g.*, the ancestor of a South Carolina family justly distinguished by ability and public service describes himself in an indenture of 1700 as "William Elliott of Berkley County in the said Province, bricklayer."<sup>1</sup> "Thomas Elliott carpenter and William Elliott bricklayer" (ancestors of the two branches of the family named), under date of January 23, 1689-90, are named as the executors of the will of William Cooke gentle-

<sup>1</sup> *Colonial History of the Heyward Family of South Carolina*, p. 13.—Nashville, 1907.

man.<sup>1</sup> "I, Thomas Heyward, of James Island, Berkley County and province of South Carolina hatmaker," is the frank and unabashed description of himself, March 7, 1736-7, by a member of the third generation of the Heyward family in South Carolina.<sup>2</sup> And so, "James Stanyarne, tanner."<sup>3</sup> The fact that these men frequently held positions in the legislature or other places of trust illustrates their own sterling qualities and the open character of Carolina society at that period. The same was true all over the colonies.

The evidence is overwhelming that Virginia society was founded on the mercantile population of England particularly. The founders of the more important families were nearly all tradesmen. When William Hatton, of Yorke County, complained in 1662 that the county court was composed of "coopers, hog-trough makers, pedlars, cobblers, taylors and weavers, and not fitten to sit where they did sit," he uttered a partial truth. . . . Nevertheless, too much weight must not be laid on this either; for the pedigrees of England show that the proudest nobles were often descended from tradesmen, and it was the usual course of the younger sons of the English gentry to make their residence in the towns and enter the trades for a livelihood.<sup>4</sup>

John Laurens's and his son Henry's rise exhibit finely how the best and strongest were coming to the top by a process of natural selection in a new country whose resources and opportunities waited to be exploited by men who had the native force to grasp them, where the artificial props and bars of social convention, tending to keep things as they were without regard to the merits of the individual, had not become established. It was the free competition of all, out of which the aristocracy of talent was to rise, the fore-runner of the aristocracy merely of birth and inherited wealth. John Laurens did not dismiss his family pride; he only subordinated it to his family interest. He was, from the glimpses we catch of him, very much the same sort of man as his more distinguished son, his persistence,

<sup>1</sup> *South Carolina Historical Magazine*, xi., 65.

<sup>2</sup> *Colonial History of the Heyward Family of South Carolina*, 17-18.

<sup>3</sup> *Ib.*, 10-11.

<sup>4</sup> Review of Bruce's "Institutional History of Virginia in the Seventeenth Century," in *American Historical Review*, xvi., 142.



sagacity, austerity and stubbornness differing only in the circumstances in which they were exercised. He prospered at whatever he touched; dealt extensively in real estate, as the abundant sprinkling of his name over the records of the mesne conveyances testifies; sold his saddlery and chaises right briskly, and was a prosperous, much-respected man, no longer merely a saddler, but an extensive merchant.<sup>1</sup> He was only true to his stock. Says Lawson, writing of South Carolina about this time: "Since the first Planters abundance of *French* and others have gone over and rais'd themselves to considerable Fortunes. They are very neat and exact in Packing and Shipping their Commodities; which Method has got them so great a Character abroad that they generally come to a good Market with their Commodities, when often times the Product of other Plantations are forced to be sold at lower Prices."<sup>2</sup>

The Laurenses were in general a very determined, self-willed race. On account of some misunderstanding with her father, one of the daughters, Mrs. Mary Gittens, left his house. The dispute, sad to relate, waxed in their stubborn hearts so high that the daughter who had willfully left the parental roof was with equal willfulness forbidden to return. What the matter was we do not know. It could not have been that common cause of parental displeasure, marrying against his will; for Henry reminds his sister, in relating to her that her father had left each daughter fifty pounds currency, that he had given to each on her marriage her full share of his estate. Mr. Nathaniel Gittens was a sadly unsuccessful creature and apparently of a lower standing than befitted a Laurens, whom old John does not appear to have cared to hand on to posterity as one of his connections, leaving it to the parish register and newspapers. Whatever tempests might arise would be aggravated by the successful old man's disgust at his unfortunate

<sup>1</sup> The fact that John Laurens began as a workman at the bench and later developed into a saddlery merchant seems to be established by Henry Laurens's statement: "Some of them (John's brothers) retained the French pride of family and were content to die poor. My father was of different sentiments; he learned a trade." See letter of February 25, 1774, below.

<sup>2</sup> Quoted in *McCady*, i., 343.

son-in-law, who was even brought to advertise that plain "Mary Gittens" will teach children "Embroidery, plain Needle Work or Reading . . . at the Sign of the Griffen, the Corner of Elliott street, fronting Church"; and that dry goods, rum, and cordials might be had at the same place. Poor Nathaniel, selling his dry goods and wet goods with not too much success; losing the baby boy, named John after the stubborn, prosperous old grandfather at that, and finally making an assignment "of all his estate real and personal" for the benefit of his creditors. The world remains very much the same and steam engines and trolley cars count for very little.<sup>1</sup> The quarrel might easily have arisen out of the heart-burnings of the failure of 1744; for Henry, who in that year left Charleston for three years, says that he was without accurate knowledge as to the nature of the dispute. Plainly no great or essential matter. Henry, very reverent towards his recently buried parent, writes his sister that he is sure it must all have been her fault.<sup>2</sup> The best the father would do was to forgive her before he died, which does not appear to have done much good. The value of the incident is that it shows quite plainly what sort of material went into the making of that part of Henry Laurens which was due to heredity.

The Gittenses appear to have gone to the West Indies between 1744 and 1747, seeking a new start in a new place, no doubt shortly after the failure of 1744. Passing to and fro between the Indies and Charleston was common then. Henry very kindly sent gifts of money to his sister through a correspondent in Antigua and invited her to come and live in Charleston; but it does not appear that he even ascertained her exact location after he heard about 1747 of her being at Santa Cruz. I think of her in poverty: "the dismal streights" and "the hardships yourself and children have been exposed

<sup>1</sup> *South Carolina Gazette*, May 21-8, 1741, and July 23, 1744. The Parish Register—Salley, 246—simply says, "1735-August: Then was buried John Gittens (Child)." Nathaniel and Mary were married September 1733.—*Ib.*, 164.

<sup>2</sup> Laurens to Mrs. Mary Gittens, Sept. 18, 1747; Laurens to Stevens and Parker, Antigua, Oct. 20, 1747.

to since you left your native clime," moving painfully from place to place in the West Indies, not concerning herself to ask or accept any favors, as proud and stubborn as any of her stock.

John Laurens's first wife, Hester or Esther, was buried April 3, 1742 (O.S.). Exactly three months later he married Elizabeth Wicking,<sup>1</sup> an event which those particularly averse to step-mothers and quick second marriages may connect in their imagination with the Gittens incident, stringing it thereto by Henry's statement after his own wife's death that he declined to jeopardize the affection subsisting between himself and his children by taking a second wife. In so quickly healing his broken heart John Laurens followed the custom of his times, which attended to such matters with an astonishing promptness. Elisabeth Wicking was an English-woman. John Laurens left her £1000 currency (one-seventh the value of sterling), the household goods which she might choose, and two slaves. Henry addresses her in terms of respect and affection. She returned to England about a year and a half after her husband's death, passing eastward upon the sea as Henry was returning westward from a disappointing journey to the old country.

John Laurens so prospered as to become much the largest merchant in saddlery goods in the province and always imported his stock direct from England. In 1733 he was elected a warden of St. Philip's; by 1736 we find that he had taken such a position in the commercial world as to be elected one of the two fire masters of the "Friendly Society," the first insurance company in the United States, which antedated by fourteen years the next oldest, of which Benjamin Franklin was a director. In 1738 he was a person of such means as to go bond jointly with Anthony Bonneau in the sum of two thousand pounds sterling for the said Anthony to marry Mary Hewit.<sup>2</sup> In 1742 he was elected one of the city fire masters.<sup>3</sup> The fact of his occupying official positions in the

<sup>1</sup> St. Philip's Register—not the best authority on spelling—has it Wickens. This Register also spells the first wife's name Hester.

<sup>2</sup> Emmett Collection, New York Public Library.

<sup>3</sup> *South Carolina Gazette*, April 24—May 1, 1742.

oldest and most aristocratic parish in the colony and in a company whose officers were from among the most prominent men in business and social circles is indicative of the respect in which he was held. Three or four years before his death he retired from business and turned his establishment over to Peter Laurens, his kinsman, and Benjamin Addison.<sup>1</sup> When he died, May 30, 1747 (O.S.),<sup>2</sup> he left an estate consisting of valuable lands, a large number of notes and accounts, and a stock so large that it had to be sold in lots to dealers up and down the coast as far as New York, "as there is no person here in that trade carries it on with the vigour he did in his lifetime." Among other assets were the books of the firm of Laurens & Addison, saddlers, who had taken over the business without being able to buy it.

Henry, the eldest son, was made executor and residuary legatee of his father's estate. As the daughters had each received their portions upon marriage, they were now given only fifty pounds currency apiece; James was given two thousand pounds currency and valuable lands.<sup>3</sup>

<sup>1</sup> *South Carolina Gazette*, July 12-19, 1742; Laurens's letters.

<sup>2</sup> In a letter to James Crockatt, June 3, 1747, Laurens says that he arrived that day and that his father died four days before. In a letter the 3d of the following August he says three days before. As the Parish Register records the burial as of May 31, the statement which fixes the death as of May 30 is to be preferred, not to mention the fact that the four days statement was made immediately upon his arrival and the three days statement two months later.

<sup>3</sup> Though most of the information in the following letter of Henry Laurens from London, Feb. 25, 1774, to a family of Laurenses in Poitiers serving to establish a relationship has already been used in the text, it is worth giving here. It represents all that he knew of his ancestry. He did not know, e.g., that Elizabeth Manigault was his great-grandmother, and erroneously gives her name as Ann:

"When I was at La Rochelle, in December, 1772, being informed that there was none of my name in that city, nor any register of family arms, I despaired of tracing my ancestry and forebore inquiries into a subject which appeared to be exceeding abstruse. The receipt of your kind letter therefore surprised as well as pleased me the more. The principal anecdotes of my family which are known by me of my family predecessors are these which follow:

Having viewed these interesting antecedents, we may come directly to our man. Henry Laurens, the subject of this biography, was born in Charleston, South Carolina, March 6, 1724, the third child and first son among the six children of

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"My grandfather Andrew Laurens in the last century fled, among other Protestants, from France. He resided some time in England and afterward in Ireland. From thence he removed to the city of New York in America, where my father was born. In 1715 he embarked with his family at New York and went to Charles Town, South Carolina, which was at that time of day almost a wilderness. My grandfather died soon after he arrived in South Carolina; but he had saved so much money as enabled him to set up four sons and one daughter with such portions as put them above low dependence. Some of them retained the French pride of family and were content to die poor. My father was of different sentiments; he learned a trade, and by his great industry acquired an estate with a good character and reestablished the name of his family. He gave his children the best education which that country afforded, and my brother James and myself, who are all that remain, are not in mean circumstances. We each inherit valuable land, the purchase of our father.

"I have heard that one of our ancestors had been commander of a ship of war of 64 guns and died upon his command in the West Indies; that one of them married an Ann<sup>1</sup> Manigaul(t). One of them, who was probably a contemporary brother or cousin of my grandfather, wrote to my father when I was a child to send me to Holland and he would provide for me; but my father's affection for his children being stronger than his avarice, he would not part with me.

"About the year 1744, during the war between France and England, a Capt. Marcon, an elderly, sedate man who had commanded a very rich ship, was taken by an English man of war and carried prisoner into Charles Town, South Carolina. He informed my father that he knew the family name of "Laurens" in La Rochelle or Oleron (I forget which) and that the family arms were retained on one of the houses. It seems that some of our family were of Oleron and Isle de Ree as well as of La Rochelle. The different spelling of our name at present serves rather as a confirmation of our affinity than otherwise; because I have often heard my father say the original spelling was Laurence or Lawrence. The mutation of the third letter is easily accounted for in a language which knows not the w. My father would have resumed the ancient spelling; but having purchased lands in the name of "Laurens," he was apprehensive that such change might work loss or inconvenient disputes to his children, which deterred him from attempting it.

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<sup>1</sup> Probably mistake for Elizabeth.

Jean Samuel Laurens (called John) and his first wife, Esther (or Hester) Grasset.<sup>1</sup> We know nothing of his boyhood except that he was earnest, precocious, and upright, and the intimate friend of another Charleston boy, only eight days his senior, destined also to be famous, Christopher Gadsden. These youths formed a league of virtue by which they bound themselves "to support and encourage each other in every virtuous pursuit, to shun every path of vice and folly, to leave company whenever it tended to licentiousness, and by acting in concert, to parry the charge of singularity so grating to young persons."<sup>2</sup> He was tender-hearted, thoughtful, and an ardent lover of justice. "When I was a boy," he said upon a notable occasion in speaking of the "intolerant damnating tenets" of the Athanasian creed which so rigorously consign men to hell, "before there were any settled principles of religion in my mind, I have heard my father and my mother and many other good old people profess that creed with great warmth of devotion, I at the same time inwardly exclaiming, 'This can't be true; I cannot believe it.'"

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"My father died in 1747. He had been very careless concerning his ancestry, insomuch that I have heard him say, he had destroyed many family papers derived from my grandfather, containing title deeds, commissions and other documents. He looked upon them as incapable of producing any real benefit, and had no inclination to gratify his vanity by a retrospect of any little grandeur which might have existed, before he was born, among his forefathers. This will account for the deficiency of my knowledge in the history of our past generations. Perhaps by the comparison of our arms our alliance may be further confirmed. Mine as I use them will appear upon this address: The crest was a lion, couchant or passant, but I have adopted a new crest which will appear upon the cipher of the initial letters of my name, also fixed to this letter."

<sup>1</sup> Salley's Register of St. Philip's Parish and Laurens's grave-stone at Mepkin both give the date Feb. 24, 1723, Old Style, the latter adding O.S. Most writers change the year to 1724 but leave the day of the month Old Style. All dates in this book are New Style unless marked O.S., with the following exceptions: Direct quotations, where O.S. or N.S. is immaterial, the genealogy in the appendix, letters, deeds, Acts of Assembly, etc., where cited, in which cases revising the date would lead to confusion in verifying references.

<sup>2</sup> Ramsay's *South Carolina*, ii., 457.

John Laurens, his son tells us, "gave his children the best education which (Charleston) afforded." Henry's training was in direct line with his destiny as a merchant. He learned no Latin or Greek, and though a few expressions might indicate that as a man he picked up a scrappy smattering of French, we find him asking a friend to translate into French his letter of 1774 quoted above to the Poitiers Laurences, stating that he could not write that language.<sup>1</sup> The wide general education he possessed seems to have been obtained after arriving at manhood through his habit of extensive reading. The earliest of his letters, numbers of which for 1747, when he was twenty-three years old, are preserved in his letter-book, are written with ease and force and are unimpeachable in grammar and punctuation.

In 1744 the young man was sent to London to obtain the excellent training as well as the profitable acquaintanceships to be found in service with the large merchant James Crockatt.<sup>2</sup> Crockatt was long a leading merchant in Charleston. In 1736 he was prominent in the organization of the first fire insurance company of the United States, in connection with which we have found John Laurens. In 1739 he closed out his Charleston business and returned to London, where for many years he carried on an extensive trade, largely with America.<sup>3</sup> In 1749 he was made agent for the colony in England, a position of much responsibility, which he held until 1756. Laurens went to London in the expectation of being taken into partnership

<sup>1</sup> Same statement in Laurens to Henry Laurens, Jr., Aug. 20, 1782, in L. I. Hist. Soc. MSS.

<sup>2</sup> An article in the *Political Magazine* (English) for October, 1780, says that he was sent to England about 1740. Against this vague statement from an unauthoritative source I place the following: An advertisement in the *South Carolina Gazette* of June 6, 1743, shows that he was in Charleston at that time. His description of Capt. Marcon in the Poitiers letter, describing the appearance of that officer when brought a prisoner to Charleston in 1744, indicates that he saw him himself. Finally, he states in a letter of December 18, 1748, to Mrs. Elizabeth Laurens that he was in Crockatt's house "almost three years." As he left Crockatt in April, 1747, he must have gone to England in 1744.

<sup>3</sup> Smith, 165 and 314.

by Mr. Crokatt after proper training. It is probable that Crokatt, impressed with the youth, had held out prospects of making him his partner and that the young man had crossed the sea for this reason; for in writing, April 4, 1749, to Ebenezer Holmes, of Boston, after another trip to be presently described, Laurens says: "This is a second voyage I have made to London in expectation of settling here in a co-partnership with Mr. Crokatt, and I am a second time disappointed." Laurens remained with Mr. Crokatt until the spring of 1747. The expected partnership was offered in January, but circumstances not explained caused a miscarriage, and so embarking at Portsmouth he sailed from off Cowes, April 8th, in the *Neptune* and landed in Charleston June 3, 1747.

Instead of the proud and affectionate welcome from a parent to whom he was deeply attached, his heart was wrung with grief to find that, only four days before, his father had died. The young man of twenty-three was immediately plunged into the labors and responsibilities of settling his father's estate, duties which he performed with the dispatch and firmness of a settled man of affairs. At the same time he entered upon his own account the business of importer, factor and commission merchant and opened correspondence with a number of London merchants. His letters during the first years read with almost the same concise and decided note that characterizes his expressions in his maturity. The man is all bustle, energy, go; he is living in a present with which he is entirely engaged; the kind of young man of parts, all business, knowing the game, thoroughly drilled, who would be just as much at home and take just as readily the road to success in the New York or Chicago of today as in the Charleston of 1747.\*

Missing an opening in London was a disappointment, but now that his father's death made his presence in South Carolina needful, he applied his motto, "*Optimum quod evenit*,"

\* An article a queer mixture of truth and error in the *Political Magazine* (English) for October, 1780, page 635, states that "a lucky stroke in the way of insurance laid the foundation of his fortune." I know of nothing with which this might be connected except his father's having been one of the organizers of the fire insurance company in Charleston in 1736.



and accepted the prospects of a provincial merchant for at least some years, but not for life, he hoped.<sup>1</sup> His regrets were soon dispersed, however; for the next mail brought letters dated April 6 and 7 from Mr. Crokatt which had missed him at Portsmouth, renewing the invitation of the preceding January to enter business in the metropolis as his partner. He now made every effort to settle his father's estate and his own affairs and get to London within the limit set, April, 1748. The task, however, proved impossible, and Crokatt granted an extension of several months; but it was several months after this even before Laurens reached London, knowing that he went upon a chance of disappointment. Sending a thousand milled dollars by the man-of-war *Glasgow*, Sept. 23, 1748, he embarked the same day on the *Charming Nancy*, and arrived at Dover "after a most disagreeable and fatiguing passage of nine weeks." Sixteen hours put him in London, where he at once called upon Mr. Crokatt. He saw that he was not welcome. Crokatt handed him copies of letters he had sent him dated July 26, August 26 and September 23, accusing him of cruelty and ingratitude and declaring himself free from any engagement. Crokatt had been played upon by envy and misrepresentation, as the perpetrators confessed to Laurens twenty-six years afterwards with the "deepest contrition."<sup>2</sup> Laurens had no difficulty in clearing himself of his old friend's misconceptions; but though Crokatt appeared much grieved, he informed him that he had already given his word to another man.<sup>3</sup> Laurens could only regret his disappointment and assured his friend that he would not think of advising a breach of a promise made to another. In view of the uncertainty of his prospects on account of the expiration of the time limit, he had accepted provisionally an offer of partnership with Mr. George Austin, a wealthy and prominent merchant of Charles-

<sup>1</sup> Laurens to Wm. Fowler, July 10, 1747.

<sup>2</sup> Letter from Laurens, March 4, 1774.

<sup>3</sup> Laurens's two former friends who were taken in as Crokatt's partners will of course occur to one as the perpetrators of these slanders uttered with the purpose of depriving Laurens of the partnership, but I have found nothing to prove this.

ton, later a member of the King's Council in South Carolina. This Mr. Crockatt advised him not to reveal at once, as he was sure that he would within a few days receive other offers to settle in London, "which he thought much more agreeable than going back to Carolina." The younger man proved the better one, and replied that if he should break his word to Mr. Austin in such a manner, then he would indeed deserve the terms recently applied unjustly to him by Crockatt of "cruel and ungrateful"; and he refused to consider any other proposals, "let the prospect of advantage be ever so great."

Then and there he dropped his early motto, "*Optimum quod evenit*"; but all through his life I find him putting very firmly into use another, which he professed always to follow, "*Audiam alteram partem*," a change connected perhaps with this experience. The only other occasion on which I have found him using the earlier phrase is in 1782, when he retorts upon an Englishman on the outcome of the Revolution; and again in the same year, no longer in the sense of a blind fate, he says that our ruling Providence, our strong tower, convinces us "Whatever is is best."

The disappointment was bitter, coming as it did a second time from the same source and depriving him of the early acquisition of wealth and prominence in the capital of the empire. Though he soon recovered from such a state of mind, he expresses himself at first as having been deceived by Crockatt as well as slandered by traducers.

You remember, madame [he wrote Dec. 16, 1748, to his step-mother], I promised this voyage should polish me and make me quite polite; but really I believe my time will be so taken up with business that I shall return just the fellow that left you in September last, and considering several little tricks and artifices I have lately been acquainted with, if I do but keep myself honest 'tis as much as can be expected.

The calmer view of after years (1764) expressed to his old friend's son was that he never forgot his obligations to Crockatt and the pleasure of their association, "notwithstanding any untoward circumstances that fell out."

Such an experience, involving so much inconvenience and

expense and two toilsome crossings of the Atlantic, had its effect in shaping the character of the young man of twenty-four. He went to London, lured and intoxicated by the grandeur of the English capital; he left it a British subject still and long to remain a proudly loyal one; but there was a new feeling in him too, the first evidence of that strong love for the spot of earth that bore and nourished him which was in time to make him no longer an Englishman but an American. "I shall once more ship myself to Carolina," he wrote his brother James, "where, please God I arrive safe, I shall pitch my tent."

In 1771-4 Laurens was again in the metropolis, but now as the rich planter and retired Carolina merchant who had been shaped by very different influences from those of the eighteenth century London he had left in disappointment almost twenty-five years before. His Huguenot standards and the freer institutions of the country that had made him its own had brought him to look with horror on the morals and politics of the great city he had once yearned for, and again the native American within him spoke, and more strongly, when he wrote that he considered his disappointment of 1748 as one of the most fortunate events of his life. He was right; but how narrowly his destiny turned on Crockatt's letters, of April, 1747, reaching Portsmouth a few hours late.

Thus we have a very sturdy, honorable, accomplished and self-reliant young man; a man of good French Huguenot blood, inheriting a tough, enduring fiber of character, meant for work much more than play; a man with a good start in life and on the up-grade; certainly promising material for making a good American.

## CHAPTER II

### SOCIETY AND INDUSTRY IN SOUTH CAROLINA IN THE MIDDLE OF THE EIGHTEENTH CENTURY

THE South Carolina to which young Laurens in 1748 determined to ship himself back, there to pitch his tent, was become by virtue of his disappointment more than ever before his own country. The distaste, so common in youth, for the small, retired place in contrast with the more splendid life of the city was yielding to an older and stronger instinct. Without delay the young Carolina merchant, on a trip including London, Liverpool, Cirencester, Bath, Bristol, etc., set about engaging business for the new firm of Austin & Laurens. Having completed these duties of the commercial traveler, he embarked for South Carolina, and on April 20, 1749, we find him on the *Fortrose* at Deal, waiting for a wind to carry him to what he now felt to be his home.

The province had been for well-nigh two decades moving forward into the heyday of its prosperity. The colonists had learned to exploit the natural resources of the soil upon which they dwelt and population and wealth were rapidly increasing. Governor Glen reported that there were in 1748 25,000 whites and 39,000 negroes.<sup>1</sup> An example, it was, of the situation to become so common as the Europeans spread over the earth appropriating it to their own uses—a small minority of whites encamped upon a new country and either expelling the other races or bending them to the accomplishment of its own designs. The proportions of the whites as given for 1710 are at least suggestive for a somewhat later date. About 71% were

<sup>1</sup> Carroll, ii., 218.

planters; 12½% traders, and 16% artisans. The great majority were Episcopalians or Presbyterians, almost nine-tenths of the whole being equally divided between these; while the Baptists constituted about a tenth, and the Quakers a fortieth.<sup>1</sup>

The years from 1728 to 1763 in South Carolina, says McCrady, were a period of unprecedented prosperity; "the good old time" it always remained to those who remembered it. The navigation laws did not seriously interfere with the lines of trade pursued by the Carolina merchant, and the Carolina planter was turning the rich soil of the swamps and the uplands respectively into rice and indigo, in return for which there came from across the sea the products and manufactures of Europe and the Indies. "Frugal planters," says McCrady in speaking of the period, "doubled their capital every three or four years." Laurens writes about 1750 that the planters are "full of money" and anxious to extend their cultivation. Good overseers were hard to keep. Says Laurens in 1769, "I am at Mepkin plantation, where I have been for some days fixing a new overseer (the old one having grown rich and set up for himself)." Acre was being added to acre and plantation to plantation by every man of enterprise who could command credit, in the expectation of paying for both land and slaves from the profits of the first few years. Laurens himself, *e.g.*, came to possess large tracts at Mepkin, Mt. Tacitus, Ninety-Six, Broughton Island on the Altamaha, New Hope on the opposite side of the river, Wright's Savannah, and Turtle River, which yielded crops of rice and indigo for market, together with corn, peas, potatoes, meat, etc., needed for the maintenance of their teeming human and animal life. If war had not come when his plantations were reaching their full development, he would have reaped annually from his Georgia estates alone, he tells us, a clear profit of 10,000 guineas, equal in value to something like \$75,000 to-day.

The wealth of the planter was reflected in the wealth of the merchant, which was based upon the needs of the expanding

<sup>1</sup> Carroll, ii., 260.

cultivation. The planter constantly called for more slaves to clear the forest, drain the swamp, ditch and dam and irrigate the rice plantation, make the indigo, and perform the varied labors of an extensive agriculture. The merchants coined fortunes by supplying slaves, exporting staple products, and importing innumerable manufactured and other foreign articles.

The outgoing commerce of the port of Charleston, Governor Glen reported in 1749, occupied for the three years 1746, 1747, and 1748 respectively 255, 235, and 192 vessels. The forty-nine separate articles of the colony's own production enumerated as exported in the year ending November, 1748, equaled in value £161,365 sterling. Rice, £88,393 sterling, deer skins, £36,000, and indigo, £16,765 made up almost 87½% of the whole amount. Under the stimulus of the British bounty of 6d. a pound on indigo granted this year, the production mounted rapidly and in 1754 reached 216,924 pounds, worth about £40,000 sterling. 1748 was not a good year, its tonnage being only 85% of that of 1746; so that we may fairly infer that in favorable years about the middle of the eighteenth century the value of the province's exports must have approximated £200,000 sterling. The freights alone on exports, practically all paid to Englishmen, equaled in 1746 the sum of £92,708 sterling.<sup>1</sup> During the next twenty years commerce doubled. In 1769 the port of Charleston exported merchandise valued at £404,050 sterling.<sup>2</sup> In 1770-3 the rice crop averaged 127,476 barrels of about 600 pounds each, and at the outbreak of the Revolution the export amounted to 142,000 barrels. In 1773 the indigo crop equaled 789,150 pounds weight and in 1775, 1,150,662.<sup>3</sup>

<sup>1</sup> Carroll, ii., 225-6, 234. General McCrady, ii., 264, mistakes the gross amount of freights paid for the value of the cargoes, as the manner of statement in Carroll might easily mislead one into doing. As the rates to Europe were twice as high as those to the Northern colonies and 59% above those to the West Indies, General McCrady's statement of the proportionate trade to these various quarters is, of course, erroneous in these proportions.

<sup>2</sup> Lt. Gov. Bull in *Public Records of South Carolina, MS.*, xxxii., 126-7, 129.

<sup>3</sup> McCrady, ii., 396.

The major portion of the trade of the province went to the mother country. As will appear below, more than 60% of the total amount went to Europe, and Governor Glen states (1748), without serious inaccuracy, that, with the exception of rice sent to Portugal, the trade with Europe went entirely to England. Added to the fact that England would, irrespective of any legal regulations have obtained a large portion of the commerce, the three leading exports of the province—rice, deer skins, and indigo—were all among the “enumerated articles” which could lawfully be exported only to Great Britain or another colony. Since 1729 South Carolina, and since 1735 Georgia, rice could be sent to any European port south of Cape Finisterre; but the value of this concession was diminished by the fact that the countries of northern Europe continued the principal consumers.<sup>1</sup> In 1746, 64¾% of the exports from Charleston went to Europe, 24¾% to the West Indies, and 10½% to the northern colonies; in 1747, 67¾% to Europe, 25% to the West Indies, and 7% to the northern colonies; in 1748, 60% to Europe, 30% to the West Indies, and 8½% to the northern colonies. Three-fifths of the exports of 1769 went to the British Isles.<sup>2</sup>

The exports from Charleston for 1748 included £228 sterling worth of raw silk, 296,000 oranges, £25 sterling worth of cotton, almost 5,000 barrels of pork and beef, several thousand bushels of potatoes and peas, besides considerable quantities of lumber. It is evident that enterprising pioneers were making all sorts of experiments to discover the capacities of their new home. Some of the ventures succeeded; others did not and are forgotten.

The vast quantity of deer skins suggests the great distance to which the Indian trade extended. Traders beyond the Blue Ridge collected a few beaver and otter and great quantities of deer pelts from Indians who ranged still farther to the

<sup>1</sup> 3 George ii., c. 28, §§1 and 2; Carroll, ii., 266. In 1764 South Carolina and Georgia were allowed, under certain restrictions, to send rice to the French and Spanish colonies to the south.—Lecky, iv., 55, says 1763.

<sup>2</sup> Carroll ii., 225-6; Bull as above.

west, and sent them by tens of thousands to Charleston. In 1731, 225,000 of the last named were exported from South Carolina. The value of those exported in 1747 was £400,000 currency, which would amount to about 280,000 skins if they were of the same value as in 1755, \$2.50 a piece in modern money, and a great many more if, as it is reasonable to suppose, they were cheaper at the earlier date.<sup>1</sup> In 1748, 720 hogsheads were exported, valued at £36,000 sterling, or £252,000 currency. What teeming wild life there was where now no deer is to be seen except in the woodlands surrounding the swamps of the low country or in the game preserves of the Appalachians.

The profits of planting and trading were so great that the province, notwithstanding that it was engaged so extensively in foreign commerce, invested but little of its capital in building the ships which it used. Ramsay states that about 1740 this industry began seriously to engage the attention of the South Carolinians, that five shipyards were erected, and that between 1740 and 1773 twenty-four square-rigged vessels, besides sloops and schooners, were built. In 1773 there were, however, but twelve Carolina-built vessels in use between Charleston and Europe, about the same number as sixty-five years before.<sup>2</sup>

From scattered notes which are too useful to throw away, I compile the following scrappy table of prices. The sources are Carroll, ii., 234-7, etc.,<sup>1</sup> the Gazettes, and Laurens's letters. The dates and the prices may not always exactly agree, as sometimes a letter quotes the price at which the article has been selling. Prices are in currency, equal to one-seventh of sterling:

<sup>1</sup> Logan, i., 382-5.

<sup>2</sup> McCrady, ii., 396, 543.



	1740-1	June 1 1747	1748	Oct 1749	July 1755	1758	July 24 1762	1762	Nov. 27 1762	June 25 1763	Aug. 5 1763
Rice Cwt.	About 50 s.	40 s.	45 s.	65 s.		52 s. 6 d.	25 s. "Nom- inal"	Old rice 30s 32s. 6d. Oct. 23	40 s.		50 s. "Poor price"
Indigo lb.		17 s. 6 d.	17 s. 6 d.		51 (£1, 12 s. 6 d.)				4 s.- 40 s.		
Deer skins lb.		16 s. 6 d.	About 15 s. <sup>1</sup>						13s. 9d.- 15 s.		
Ind. corn bushel		12 s. 6 d.	10 s.						12 s. 6 d.		
Pitch 330 lb. bbl			45 s.				35 s.				
Tar 330 lb. bbl.			35 s. (Green 50 s.)								
Turpen- tine 100 lb.			(70 s. & bbl.)				10 s.			15s. (11 s. 3 d. 12 s. lit- tle later	
Butter lb.			3 s. or over <sup>1</sup>						3 s. 9 d.		
Sugar 100 lb.											
Salt bu.											
Flour Cwt.									£4. 5s.- £4. 10 s.		
Pine plank	So far as I can judge, lumber was measured by the same unit as to-day. The reader can judge as well as I whether these figures are for 100 or 1000 feet.									£5	
Onk plank										(£20?)	
Pine scant- ling			£3 10 s.							£20	
Oak scantling										£20	
Shingles 1000			£4								
Freight to Lon- don. Ton		£6, 10s. (1746)	£6				£7 (armed ship £8)	£5 Sep. 11			
Freight to Hol- land. Ton							£8				

<sup>1</sup> Carroll states deer skins by hogsheads, which seem to have weighed about 450 lbs., and butter by casks, which seem to have weighed about 50 lbs.

## Life of Henry Laurens

	Nov. 5 1763	Dec. 15 1763	1764	1765	1766	Ap. 29 1767	Dec. 14 1768	Sometime 1770-3	June 12 1775
Rice Cwt.	30 s.				50 s. Feb. 27	50 s. (65s.) Oct. 27)	62½ s.	80 s.	40 s.
Indigo lb.			Oct. 29. Finest copper & purple 27- 27½ s. Fine Flora 35 s.	18 s. 6 d.- 20 s. Feb.				32½-35 s. 1773	30-35 s. Best.
Deer skins lb.									13 s.
Ind. corn bushel			10 s.-12s. 6 d. Feb. 23.		20-25 s. Ap.- Sep.	16 s. 3 d.			
Pitch 330 lb. bbl.			55 s. Ap. 17. 42/6-60 ac- cording to quality. 70- 75 June-Sept.	65- 67½ Ap. 8		50 s.			
Tar 330 lb. bbl.			50 s. Jan. 27 60 s. May	Green 70 s. Jan. 22		45 s. (Green 60 s.)			
Turpen- tine 100 lb.				30 s. Very high	40 s. Ap. 25 "Enor- mous"	15 s.- 17½ s.			
Butter lb.									
Sugar 100 lb.			£12, 10 d. Dec. 10.		£13 Ap. 29 Infer'r.				
Salt bu.			(7 s. 6 d. Feb. 28) 12 s. 6 d.						
Flour Cwt.						£6			
Pine plank		¾ inch 40 s.			£5 Ap. 5				
Oak plank		1¼ inch 50 s.							
Pine scant- ling		1½ inch £3							
Oak scantling		2-2½-3 inch £5¹							
Shingles 1000			£6 Feb. 17						
Freight to Lon- don. Ton									
Freight to Hol- land. Ton					40 s.² Feb. 27				

¹ In this case nothing is specified as to the kind of wood.

² Low rate due to overcrowding of harbor on account of Stamp Act.

The society in which young Laurens took up his life work in 1749, though barely eighty years old, had already taken on a decidedly aristocratic character. Down to about 1735 or 1740 immense quantities of land had been acquired in vast tracts by speculators in a way very harmful to the interests of the public, and often by unblushing fraud and illegal occupancy. The system of immense estates as the basis of a semi-feudal slave-holding society was thus firmly entrenched at an early date. By 1742, 1,453,875 acres had been granted away by the proprietary and 1,885,254 acres by the royal government, an area of 5217 square miles, or more than a sixth of the present South Carolina, which was, of course, an immensely larger proportion of the area then available for settlers. In consequence new-comers were being driven away or charged high prices by the land monopolists.<sup>1</sup> Quit rents were fraudulently avoided and even after the day of the frauds, the collections were so irregular that many owners enjoyed as snug an exemption as any tax dodger of to-day. Sometimes, after having been unpaid for years, they caused serious inconvenience when called for in lump by a Receiver General who, like the incumbent in 1765, was "very strict."<sup>2</sup>

The introduction of the cultivation of rice in the seventeenth century and of indigo in the first half of the eighteenth fixed the plantation system as the prevailing form of industry; the very trying summer climate, supplemented by the unhealthy nature of the tasks, made African slavery inevitable. The colonists entertained no religious or political ideals unfavorable to an aristocratic system, whether based on a tenant peasantry or on slaves, but on the contrary were strongly inclined in that direction, both by their intimate association with the older West Indian plantation of Barbadoes and by their admiration for the society of England, which they frequently visited. Both Drayton and Ramsay testify that the South Carolina of 1738 to 1763 was excessive in its admiration and imitation to everything British. Even after the Revolution we find

<sup>1</sup> Smith, 36, 51, 66.

<sup>2</sup> Laurens to Handlin, about July 1, 1765, in Historical Society of Pennsylvania collections.

Laurens sending his old shoes to England by which to have new ones made.

It was an elegant and delightful society that early grew up among the more fortunate under these conditions. Through the charming letters of Mrs. Eliza Lucas Pinckney, woven so skillfully into a book by her descendant, Mrs. Ravenel, we may almost look upon the men and women of the old plantation section of eighteenth century South Carolina living and moving before us. Miss Eliza Lucas was the daughter of the Governor of Antigua, who had put this young lady at the age of sixteen in charge of three plantations in South Carolina. With one so occupied, the gaiety of dancings, visitings, and dinings would take their proper secondary place. The seats of the oldest and richest families lay along both sides of the Cooper and Ashley rivers, whose banks to this day, though wrecked of these stately historic homes, still master the imagination with a subtle enchantment which few other places in America afford. Each place had its name, which has clung to it for nearly two hundred years. The finest of the country homes, like Crowfield, the seat of the Middletons, were surrounded by parks and gardens sometimes scores of acres in extent and were marked by a dignity and propriety of design which makes those few which still stand a calm delight in contrast with the overwrought, nervous, self-conscious architecture of which the nineteenth century produced so much.

Every tradition combined with the comparative isolation of the life to make hospitality the glory of these homes. There were the visits of friend to friend and frequent entertainments which drew their guests from a circuit of many miles. Such was the world of pomp and merriment which Eliza Lucas passed through that she "was forced to consult Mr. Locke over and over, to see wherein personal identity consisted and if I was the very same self;" and it is plain why Laurens's step-mother in 1748 thought well to urge that, besides attending to business on his trip to England, he must come back "polished and quite polite." The young man was taking his place in this brilliant society and at one of these country seats on Cooper River was himself soon to meet with an ex-

perience calculated to put both head and heart into a decided whirl; for at a wedding at Mrs. Affra Coming's Cooper River plantation he met and loved at first sight the beautiful girl who was to be his wife. With all its cordial hospitality, this old society enforced a dignity and formality very foreign to the present and demanded a regard for family authority and interest characteristic of its aristocratic ideals, but almost vanished before the democracy and individualism of to-day. The reverent restraint of the sexes toward each other is illustrated by the following reproof which Laurens as himself the father of a marriageable daughter wrote to a middle-aged fortune-hunting Frenchman who sought to apologize for his disregard of propriety by begging him to remember his own feelings when in a similar situation:

When I paid my addresses to the lady my daughter's mother, I was in the vigour of youth and there was little disparity between our ages. That lady was also under guardianship, and altho' my life and conversation, my connections and prospects were intimately known to her guardians, to her father and her brothers, I scorned to attempt an attachment of her affections, 'till I had obtained the consent and approbation of the other parties so nearly interested. I should have deemed a contrary conduct a species of dishonourable fraud.<sup>1</sup>

The absorbent powers of our ancestors remain a standing marvel. The idea that their drinking was limited to the social usages of polished gentlemen is, sad to say, to a great extent one of the roseate fictions with which we idealize the past. Dr. Ramsay bitterly laments the heavy drinking, whose extent and effects, he says, can be known only to a physician, which incapacitated or slew many a promising man of the Carolina of his day. Though falling short of the gross drunkenness common in even the highest circles of eighteenth-century England, the amounts of liquor which were sent to plantations as medicine and beverage are surprising enough.<sup>2</sup> Laurens was a very temperate man for his time; but his stipend of wine seems to

<sup>1</sup> Laurens to De Verne, Nov. 13, 1782.

<sup>2</sup> Laurens's letters to overseers, etc.

have been a bottle of Madeira a day, and he became a total abstainer only under compulsion of the gout.<sup>1</sup>

After the Methuen treaty of 1703 admitting Portuguese wine at one-third less than French, French claret ceased to be the fashionable drink in England and Britons loyally befuddled themselves with the vintages of their ally. South Carolina of course followed suit, as we see from Governor Glen's remark in 1748 that "the wine chiefly drank here is Madeira, imported directly from the place of growth." In 1763 it was much the same, except that rum also appears to have become popular. A writer in that year tells us "Madeira wine and punch are the common drinks of the inhabitants; yet few gentlemen are without claret, port, Lisbon, and other wines, of the French, Spanish, or Portugal vintages. The ladies, I mention it to their credit, are extremely temperate and generally drink water."<sup>2</sup> In a letter of this same year Laurens says that he does not suppose over five hundred gallons of French brandy are consumed in South Carolina in a year, but that rum is imported by almost every retail store in town and is the general drink.<sup>3</sup> The cheapness of the latter made it popular with the common people. Even the slaves got it, at times to such an extent as to cause considerable drunkenness.<sup>4</sup> The illicit peddling of liquor by shrewd slaves was a frequent annoyance, especially to overseers.

The "sporting blood" of eighteenth-century England, without, however, the degree of moral looseness which disfigured contemporary English society, was abundant in the little England of South Carolina. Tradition has it that the quarter in the northeastern portion of Charleston called Ansonboro was won from a prominent South Carolina official citizen at a single sitting by Lord George Anson, who was stationed at that port between 1724 and 1735, or at least that it was bought

<sup>1</sup> Letters of Jan. 8, 1778.

<sup>2</sup> Carroll, ii., 231 and 482.

<sup>3</sup> The Germans of the back country at this time distilled "a palatable brandy from peaches, which they have in great plenty; likewise from potatoes, Indian corn, and rye."—Carroll, ii., 481.

<sup>4</sup> Letters from Laurens, 1776, etc. The derangement of trade in 1776, he says, had caused rum to go to "20/a quart; I wish it was £5."

with his winnings at the card table.<sup>1</sup> This distinguished sailor, who later occupied the highest command in the British navy as commander of the fleet and established himself in literature as the author of one of the most famous accounts of a voyage around the world, thus fixed his name in new world geography.<sup>2</sup>

Horse racing flourished. In 1735 the York course was laid out six miles from Charleston. That being too far away, the New Market course was opened in 1760.<sup>3</sup> This brought the sport within a mile of Charleston and led to much more general patronage. Laurens writes, Feb. 7, 1769, that a captain of whom he is speaking will get his ship loaded if he can keep his people from "the horse races, a diversion which is carried on rather too near our town." February was the great month for balls and races. These diversions were so absorbing as to be determining factors in the meetings of public bodies, even of the Legislature itself. The following, with a keen play on "dancing" as a thrust at some of the dilatory tactics of the Assembly of which he did not approve, is from a letter of Laurens to John Moultrie in Florida:

Pray what is your Assembly about—Dancing?—Ours break up next week for that and another amusement which you know is due to us in February.

Another diversion was the country sport of deer hunting. An inexpensive club house was erected by the gentlemen of a neighborhood, where, at the hunts, which occurred once or twice a month during season, the members in turn furnished dinner for the company. "The club always had visitors," says Prof. Porcher in writing of the St. John's Hunting Club, "great men from a distance, who would go there on that day to enjoy social intercourse with the people of that district." Various political or local government committees would use the meetings for their purpose, agreeably mingling business and pleasure. These delightful occasions continued to be a com-

<sup>1</sup> Johnson's *Traditions*, 38; McCrady, ii., 534.

<sup>2</sup> Anson County, N. C., is also named for him.

<sup>3</sup> McCrady, ii., 520-1.

mon feature of low-country life far into the nineteenth century.<sup>2</sup>

Life in the little city of Charleston was even better supplied with diversions than in the country. The terrible "country fever" made it impossible for the white inhabitants to live on the plantations during the summer. Some formed summer colonies on pine-covered spots elevated somewhat above the surrounding country, as Cordesville, Pinopolis, or Walterboro, some repaired to the sea islands and many went to Charleston, a custom which to some extent still exists and is facilitated by the fast "planters' train," which leaves the city at sunrise and returns at dusk, carrying planters to and from their places, many miles away. Even those who lived in healthful situations, such as the bluff at Mepkin, joined the tide of summer residents. About the end of June, writes Laurens, the girls "for fashion sake go to town." Mosquitoes that bite through summer clothing, burrowing insects that make the skin a torment, and deadly rattlesnakes in every glade and forest made travel in the country, and particularly walking through the woods, unpleasant and dangerous. Laurens always sought to arrange land surveying for the fall or winter, "when gentlemen will be more inclined to ride in the woods and survey the lands with more certainty and less danger."<sup>3</sup>

The crowding of the wealthy country gentry into the city only increased the abounding vivacity of the social life of a place already devising means of recreation and culture for its own pleasure. The formal social season was, as it still remains, the winter, when many of the summer residents returned to share in the dinners, concerts, balls, and dramatic exhibitions. Music was early cultivated to a high degree. Formal public concerts were advertised as early as 1733; in 1762 was organized the St. Cecilia Society, which was originally a musical association.<sup>3</sup> The ball which followed came in time to eclipse the concert, and the society has now come to be an organization

<sup>2</sup> McCrady, ii., 519; Porcher's *Santee Canal*, 9.

<sup>3</sup> Laurens to E. Ball, May 2, 1765. Historical Society of Pennsylvania collections.

<sup>3</sup> McCrady, ii., 526, 528.



for drawing the lines of the exclusive social circles of the city. A theatre is known to have existed in Charleston in 1736, being thus barely behind New York, where one is recorded in 1732, and about twenty years behind Williamsburg, Va.<sup>1</sup>

The active little city contained in 1750 some seven thousand people and occupied about a third of its present area.<sup>2</sup> The sections to the north and northwest were dotted with occasional houses, and on the west the tide marshes of the Ashley still encroached far inland. It is about 1765 when Laurens says that Ansonboro is covered with houses. Frowning cannon for real use stood at various points around the city, reminding the merchant as he passed to and from his business of the hazards of war his trade was at any time likely to encounter. In 1756 three bastions stood at the corner of East Bay and South Battery capable of carrying one hundred guns, which were part of a general system of fortifications extending all along the water front. The peace of 1763, signaling the subduing of the old enemies France and Spain, removed the danger of war, and accordingly the "cannons were dismounted, carriages housed, and the fortifications generally neglected until the outbreak of the Revolution."<sup>3</sup>

From the earliest times of the colony the frequent passage of South Carolinians to and from England kept the inhabitants in such intimate touch with the life of the old country that foreigners were impressed with their manners and bearing as the least provincial in America. Whereas, according to McMaster, in most of the colonies a man who had been abroad was pointed out as a curiosity, from 1760 to 1775, says McCrady, there were few gentlemen in Charleston who had not been to Europe,<sup>4</sup> a statement which is well supported by the lists of passengers regularly printed in the Gazettes.

<sup>1</sup> McCrady, ii., 526. Chas. P. Daly, *When was the Drama Introduced in America?* p. 3, gives 1733 for New York; Geo. O. Seilhamer, *History of the American Theatre*, p. 1, says 1732. Robt. A. Law in *The Nation*, Feb. 27, 1913, Apr. 23 and Sept. 3, 1914. Plays were given in the court room in Charleston in 1735.

<sup>2</sup> The population in 1763 was estimated at about 8,000.—Carroll, ii., 484.

<sup>3</sup> Smith, 207.

<sup>4</sup> McCrady, ii., 537.

This young South Carolina and this little Charleston of the mid-eighteenth century were instinct with life and vibrant with the power of a growing community. It was a society in the full vigor of youth, vital with the forces of progress which were in the ascendant. And it was a society not only of great energy, force, and progress, but it possessed in a marked degree what such societies usually wait much longer for—culture, refinement, and a delicately organized social life.

## CHAPTER III

### POLITICAL CONDITIONS IN SOUTH CAROLINA IN THE MIDDLE OF THE EIGHTEENTH CENTURY

THE political conditions by which Laurens as a young man of twenty-five was surrounded were of a sort to stimulate a strong self-reliance and an intimate understanding of the principles of self-government. The narrow suffrage of England was replaced by a comparatively liberal law. Almost every gentleman of means took an interest in politics, and a good portion of them an active part. Indeed the politics of the colony were decidedly too active to suit the King's representative. Governor Glen arrived in December, 1743, and in less than two months he was writing home that he found "the whole frame of government unhinged, and the Governor divested of the power placed in him, which power was parcelled out to many hands, principally commissioners, etc.," the appointees of the Assembly, and that the government was in general very unsystematic.<sup>1</sup>

Notwithstanding that the King's instructions had provided for a frame of government as "systematic" as one could wish, with the proper working of every part prescribed and its privileges and limitations noted, it had come to be something quite different from his intentions, and for a very interesting reason. The constitution of the province was in a vigorous state of growth and was straining to the breaking point the regulations under which it was supposed to operate. This development was manifested in the steadily increasing power of the representatives of the people, the Commons House of

<sup>1</sup> McCrady, ii., 254, letter of Feb. 6, 1744.

Assembly, who after overthrowing the proprietary government in 1719, entered upon a program of gradually appropriating a degree of authority that would in time, if unrestrained, render them practically sovereign.

Political life, though active, was confined to a smaller class than now, and intermarriages and family prestige constituted in politics a system something like the "interlocking directorates" in the business world of to-day. Partly from indifference, partly from the distance over bad roads to the one polling place in each parish, and partly from the moderate property qualification, the number of voters was much less in proportion than now. It is interesting to notice that Laurens says in 1786 that there was a representative in the South Carolina Legislature for every fortieth man, meaning, of course, every fortieth voter. That is to say, on the basis of the figures of the census of 1790, only one adult white man in five usually voted. Christopher Gadsden gives the number of votes cast in the election of 1762 in St. Paul's parish as 94, which, he says, was "an uncommon number of electors."<sup>1</sup> Evidently practically all the adult white males in this small low-country parish were qualified voters; for the census of 1790 gives these figures: Free white males sixteen years old and upwards, sixty-five; free white males under sixteen years of age, forty-eight; free white females, 103; negroes, 3217.<sup>2</sup> Laurens in about 1762 speaks of a small block of voters being able to turn the election in the city of Charleston in a way which implies that the vote was small rather than any reference to a close election among a large number of voters.

In 1748 Governor Glen had been five years in South Carolina and his experience only served to confirm his early opinion of the evils from which he conceived the government to suffer. He writes, October 10th, to Bedford, the Secretary of State,<sup>3</sup> that the constitution of South Carolina ought to be remodeled so as to increase the dependence of the government upon the

<sup>1</sup> *S. C. Gazette*, Feb. 5, 1763.

<sup>2</sup> "Heads of Families, S. C.," *First Census of U. S.*, 1790, p. 9.

<sup>3</sup> *Collections of the South Carolina Historical Society*, ii., 303-5.

crown, the weakening of which he regards as dangerous. Almost all official positions, he complains, are disposed of by the General Assembly. The Treasurer, Commissary, Indian Commissioner, Comptroller of Duties, Powder Receiver, etc., besides many executive commissioners, owe their places to the Assembly, are responsible to and removable by them alone, and are beyond even the Governor's power of reproof.<sup>1</sup> "Thus by little and little," he says, "the people have got the whole administration in their hands, and the crown is by various laws despoiled of its principal flowers and brightest jewels."<sup>2</sup> All church preferments are in the election of the people, without any notice taken of the Governor, in direct defiance of the King's instructions, which place them at that officer's disposal, and it is probably owing to this that the Governor "is not prayed for in any parish, although the Assembly is prayed for during their sittings," a state of affairs, he says, unprecedented in America. Governors have submitted to various usurpations, thus tending "to mislead the Assemblies into the belief that they have the sole direction in everything, and a Governor would not be listened to who would say that all forts, castles, etc., are the King's." The Council, he urges, needs strengthening by the appointment of a certain gentleman "for supporting the King's prerogative and government, and not of the leveling principles which are too prevalent here."

An examination into the history of the Assembly for the twenty-five years previous to this complaint shows that Governor Glen's account is in accord with the facts. The Commons House of Assembly had come so much to overbalance the other elements in the government that it at times indulged in an arrogant and tyrannical exercise of power which no one

<sup>1</sup> Which suggests that if the colonists up and down the Atlantic coast had not been driven to such means of keeping a distant monarch from controlling their affairs, we should have much more centralized and efficient State executive departments to-day. Cf. Bancroft's statement (ii., 392) that "The people of South Carolina had used every method of encroaching upon the executive."

<sup>2</sup> Smith, 82.

in the province was strong enough to check. Let us not be misled by the division of the colonies into charter, proprietary, and royal into thinking of them as in three corresponding grades of liberty and self-government. Where differences existed, it was due to other causes than these. To elect one's Governor was a great privilege, 'tis true; but constantly to be fighting to control one appointed from abroad was a very valuable exercise and guaranteed at least one prerequisite of liberty—eternal vigilance. Doubtless no colony of the thirteen more resembled a modern democracy than the proprietary Pennsylvania. The conditions of the new continent, combined with the character and antecedents of the people, were of much more influence than either charters or their absence.

The occasions on which the South Carolina Commons House of Assembly increased and strengthened its power over the provincial government were usually connected with its claim to the absolute and sole control in the framing and passing of money bills; but inevitably the contest for this power often involved other matters of grave constitutional importance. Until December, 1725, bills for the raising and spending of taxes were admitted to lie in the control of the two branches of the colonial legislature jointly and equally, except that by custom their origination was always left with the Commons. In that year, however, the Commons denied the right of the Council to make any change in a money bill, though in so doing they went directly contrary to a royal instruction guaranteeing to the Council that right. From this time the Commons began to measure their privileges by those of the British House of Commons, and in the long series of conflicts that ensued they never ceased to claim as their own the distinctive powers of their ancient model, undeterred by the decisions of the ministers and law officers of the crown that their contention was unwarranted.<sup>1</sup> In 1735 a serious clash occurred between the two bodies over the right of the Commons to control money bills, in such a way as to involve

<sup>1</sup> Chalmers, *Opinions of Eminent Lawyers*, i., 263; Smith, 290-1; Wallace, 48-9.

also their right to punish judges for displeasing decisions, though rendered in the most conscientious discharge of judicial duties. In 1733 the Commons had, in a very arbitrary manner, committed three men to the custody of their messenger upon the charge of contempt. By issuing writs of *habeas corpus* in their favor, Chief Justice Wright incurred the resentment of the Commons, and they determined to punish him by withholding his pay, which by a plan maintained with a view to controlling the King's officers they had always refused to make a fixed salary, but granted by special act from year to year. The Council, of which Wright was a member, being mindful of the interests of those officers who represented the royal prerogative, amended the tax bill by adding the customary amount for Wright, and insisted that they would not pass it without this item. This called forth from the Commons the following resolutions of February 8, 1735:

*Resolved*, That His Majesty's subjects in this Province are entitled to all the Libertys and Privileges of Englishmen.

*Resolved*, That the Commons House of Assembly in this Province, by the Laws and Statutes of Great Britain made of force in this Province, and by Acts of Assembly in this Province, and by ancient Custom and Usage, have the same Rights, Powers, and Privileges in regard to introducing and passing Laws for the imposing of Taxes on the People of this Province as the House of Commons of Great Britain have in introducing and passing Laws on the People of England.

*Resolved*, That after the Estimate is closed and added to any Tax Bill, that no additions can or ought to be made thereto, by any other Estate or Power whatsoever, but by and in the Commons House of Assembly.<sup>1</sup>

The dispute continued, the Council citing the clear command of the King's thirty-fifth instruction to Nicholson, the first royal Governor, and the Commons refusing to abate one tittle from the ancient rights of the British House of Commons. There was the usual outcome; the Council yielded; one of the many instances of which Lieutenant-Governor Bull said years later, when the mischief was past mending, that the Commons, "thus coming off victorious, soon felt their strength to consist in holding the purse strings of the people."<sup>2</sup>

<sup>1</sup> Smith, 297.

<sup>2</sup> Wallace, 53.

"Holding the purse strings of the people" was a tremendous power, and time and again it was used to gain control of matters not at all financial in their nature. For instance, in 1753 James Crockatt, the colonial agent in London, who was unacceptable to the Governor and Council but very satisfactory to the Commons, offered his resignation.<sup>1</sup> The Council refused to concur in his re-election; but the other House succeeded in inducing him to continue in their service until 1756. Accordingly the Commons alone kept up the correspondence with him and forced the Council to keep its hands off the bills appropriating money for his salary and expenses. From this time until the Revolution the control of the very important duties of the Committee of Correspondence remained in the hands of the Commons, in 1762 the arrangement being even sanctioned by law.<sup>2</sup>

But to return to the perfecting of the control of the Commons over money bills, a power which, as both sides knew, could be used as a means to almost any end. In 1737, the Commons determined to monopolize the auditing of claims, petitions and accounts against the public treasury, a determination which they never failed to make good.<sup>3</sup> Repeatedly did the Council formally and positively take the stand that it must be allowed equal rights in the amendment of money bills, only to come out of each contest weakened by defeat and less able in future to maintain its position. After a prolonged struggle it was agreed, in 1739, that the Council might send down on a separate list from the bill suggestions for amendments, with the request that the Commons incorporate them in the bill; but in 1748 the Commons declined longer to receive such communications.<sup>4</sup>

As is common in such cases, the long and bitter course of aggression by the Commons called into activity hostile measures beyond what the stronger party had originally intended. To the animosities engendered by successive collisions was added the contempt for a body whose character was beginning

<sup>1</sup> Smith, 165; McCrady ii., 281-2; Wallace, 53-5.

<sup>2</sup> Smith, 170; Wallace, 55.

<sup>3</sup> Smith, 302 and 328.

<sup>4</sup> Smith, 106, 311-2; 318; Wallace, 53.



to decline through the appointment of subservient placemen to its membership and the refusal of commissions by several men of standing.

In 1745 or shortly after, several members of the Commons, acting on their personal responsibility, had gone so far as to consult Governor Glen, whose unpleasant relations with the Council encouraged their hopes, as to whether he would sign the tax bill then in dispute without the concurrence of the Council. Though Glen declined to take this revolutionary step, his tolerance of the idea was such as to lead the Council in 1770 to speak of the danger of their authority being interpreted away and construed into mere advice to the Governor, "according to the ingenious distinction of a Governor many years ago."<sup>1</sup> In 1756 the Commons as a body raised the same question, and inquired of the Governor whether he would sign the tax bill without its having passed the Council. The controversy spread to the *Gazette*, and in a long and able paper a champion of the Commons maintained that the Council was not a legislative body and could not constitutionally participate in law making. So similar is this paper to one endorsed by the Commons in 1773 in attempting to deprive the Council of legislative authority that its doctrines must have become the stock-in-trade of the radical party. Among other things, the writer of 1756 said that the royal instructions which Councillors were bound to obey on pain of removal could not bind the people of South Carolina, for in that case all laws and taxes could be imposed through this process by the King; whereas it was the fact that many of the King's instructions

<sup>1</sup> Smith, 387; Wallace, 66. The interesting and important character of this inquiry so early as 1745 led me to verify the date given in the *Public Records of South Carolina MS.*, xxxiii., 306, by reference to the original papers in the British Public Record Office in London.

Such attempts to circumvent the Council were of course not peculiar to South Carolina. It is interesting to note instances in the Australasian colonies well after the middle of the nineteenth century. Says Lowell: "Sometimes the Governor was asked to sanction an expenditure of money that had not been legally appropriated because the Legislative Council had refused its consent."—*Government of England*, ii., 403.

to the Governor and Council had never been carried out for the simple reason that the representatives of the people had never seen fit to pass laws to that effect.<sup>1</sup>

Such was the political situation in the province of South Carolina when Laurens entered the Commons House of Assembly in 1757. A natural aptitude for politics and the consciousness that their most vital interests were to be made or marred according as governmental policy went one way or the other created an intense interest in public affairs. Even the illegal land grabbing before 1735 had played its part in causing the representatives of the people to grasp the largest possible share of political authority. Many of the Assemblymen had benefited directly or indirectly through these frauds, and there was no way to save themselves from heavy losses but by very bold play in the game of politics. Strong men seized the government because the control of it was necessary to their interests. In the same way at a later time the strongest men in the community entered earnestly into politics because they felt that it was demanded for the security of another sort of valuable property. But aside from these illustrations, the leading classes in the community having at stake vast interests which could at any time be destroyed by unfriendly legislation, men of eminence and ability entered the public arena, and the little colony, with its varied, concentrated, active life, became one of the finest training schools in statecraft imaginable. It was in this school that the leaders of the Revolution and the framers of a new government were to be formed—Laurens, Gadsden, Lowndes, Pinckney, Lynch, Rutledge—some to emerge, according to natural bent, radicals and some conservatives, but all staunch supporters of well-ordered, deeply grounded constitutional liberty and self-government, the nature, maintenance, and methods of operation of which they were thoroughly familiar with through the practice of a life-

<sup>1</sup> Smith, 325, 387; McCrady, ii., 285; Wallace, 66, 78. General McCrady thinks the author of the paper, "T—s W—t," was Thomas Wright, son of Chief Justice Wright. Cf. the successful attempts of the lower House in Pennsylvania early in the history of the Province at depriving the Council of legislative power.

time. We have taken since to placing our most valuable interests under the guardianship of the written constitution, a very good safeguard against the occasional misuse of power, but at the same time one of the most subtle enemies to high personnel and good administration that has ever been devised, since it makes us willing to place in office some men whom we would not have entrusted with the graver interests within their power under the old system.

The spirit of self-reliance and self-government was further fostered by the isolation from the mother country and the independence of her aid in mastering difficulties. General McCrady calls attention to the fact that Colonel Montgomery's troops which came in 1760 to suppress the Cherokees were the first British soldiers that in the ninety years of the colony's existence had ever entered its bounds to help wage its wars, and with the exception of Oglethorpe's special regiment passing through to Georgia, the only body of British troops that had ever been seen by the people of South Carolina. These circumstances were producing results which had never been designed and were coming to have a potency too strong to be counteracted by the measures of a contrary purpose soon to be adopted by Great Britain. Governor Glen's presentiments of 1744 and '48 were being amply justified.

Professor Rivers points out the fact that South Carolina has from the dawn of her existence her own unbroken constitutional history in which her self-government and liberty were developed—self-government and liberty which it is as erroneous as it is unnecessary to conceive of as imported from any other colony or section. The rapid review we have made of the political conditions in 1750 is sufficient to establish this fact. Professor W. Roy Smith, who has so ably traced these disputes over money bills, justly says that

nothing . . . will illustrate better the gradual development of those principles for which South Carolina fought in the Revolution. "The spirit of 1776" was not a sudden or unexpected product of ministerial tyranny. It was the spirit of 1719, the spirit of 1750, grown stronger and more determined under the influence of forces differing, perhaps in degree, but not in kind, from those in operation during the whole colonial period.<sup>1</sup>

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<sup>1</sup> Smith, 315.

## CHAPTER IV

### THE CHARLESTON MERCHANT, 1747-1770

THE eighteenth-century Carolina merchant filled a large and very important sphere. His great wealth, his acquaintance with affairs, the value of the services he rendered to a community given over to staple farming, made him one of the most influential forces in the life of the community. McCrady thinks that most of the large fortunes in South Carolina before the Revolution had their origin in trade; certainly many of the greatest did. The roll of merchants was long and honorable, including representatives of the most distinguished families in the province. Some of the best known were Isaac Mazyck, Gabriel Manigault, Henry and James Laurens, Christopher Gadsden, Benjamin Smith, Miles Brewton, Andrew Rutledge, Robert Pringle, William Wragg, Joseph Kershaw, and Daniel DeSaussure.<sup>1</sup> The merchants naturally tended to conservative views on politics and finance and were sometimes found opposing the paper money schemes of the planters, who wanted a cheap and abundant medium for the purchase of land and slaves. During the first part of the royal period they seem to have been in control of the Council, where their opposition to the radical financial schemes of the planters in the Commons intensified the unpleasantness of the relations of these bodies towards each other;<sup>2</sup> but I see no evidence of division along such lines in the later part of the colonial period.

Laurens's partnership made with Austin in 1748 lasted until

<sup>1</sup> McCrady's *South Carolina*, 1719-76, 400-II.

<sup>2</sup> Smith, 234 *et seq.*

1762, when the latter withdrew on account of ill health. For some time the firm had consisted of Austin, Laurens & Appleby, but Mr. George Appleby withdrew to go to England, and after August 1, 1762, Laurens conducted business in his own name alone.<sup>1</sup> He is said by his son-in-law, Dr. David Ramsay, to have offered in settlement with his partners to take all debts due the firm as cash at 95% of their face value, a proposition equally complimentary to the business habits of the firm and the integrity of their customers.<sup>2</sup> Laurens's disposition and talents were an assurance of success in any systematic or administrative occupation. During thirty years, he said while in Congress, he had only once or twice lost a paper. Whatever might have been the easy-going business habits among others at any period of the old Southern history, he was not careless. He took notes and bonds of his creditors in the most systematic fashion and did not fail to remind them strictly of their obligations when overdue. The following extract from a letter of April 2, 1777, to Ralph Izard, who was then in London and whose affairs Laurens had undertaken to look after, illustrates the difference between the man of business and the gentleman of leisure—the latter a character which neither Laurens nor his father nor his children ever learned to admire. After informing Mr. Izard that he had returned 8070 acres, 508 negroes, and £6000 at interest for taxation for him, and now has out £8000, he comments:

I do not love to do business for a man who takes no care of his own affairs. Such a one can never be a proper judge of the endeavors of his friends to serve him. He is too apt to ascribe ill success to the neglect of those who have taken great pains to promote his interests. He is too apt also to assign wrong motives for the labors of his friends and to think commissions are the temptation. . . . Most men who are careless of all their own affairs (their estates, I mean), except the income, when that does not reach their expectations, which have been to the very upper line of possibility and no allowance made for casualties, they are dissatisfied and too often make improper expressions of their displeasure.<sup>3</sup>

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<sup>1</sup> Laurens to Coxe, Furman & Co., Nov. 6, 1762.

<sup>2</sup> Ramsay's *South Carolina*, ii., 483.

<sup>3</sup> It is proper to say that none of these unpleasant circumstances had arisen in this case. Laurens simply feared they might arise.

His industry was untiring, his application keen and ardent, his ingenuity great, his insight quick and sure. Himself a man of restless energy, prompt and methodical in the discharge of routine, apt in devising means, he was impatient at dullness or incompetence in those with whom he had to deal, either in business or public life. An early riser, he often finished a day's work before other men were abroad. "According to custom," he writes his brother James, "I am improving time an hour and a half before daylight"; and as late as December, 1782, he says that, though weak, he "can't yet leave off the trick of early rising." His son-in-law Ramsay, a prodigious worker, of whom, by the way, the same story is told, says that he seldom slept over four hours in the twenty-four.<sup>1</sup> The morning candle-light hour was a favorite time for his correspondence. Many passages in his letters reveal the pleasure he took in the mere doing of a thing expeditiously and successfully, and he often manifests his pride in the extent of his business and his satisfaction at being able to render a good account to his principals. "How can it be imagined that a cargo of the most mangy creatures that ever were seen should bring £24 sterling round. . . . Without vanity, we will say that none in this country could have turned them out so high."<sup>2</sup>

It was hard to deceive this keen man of affairs, and he was but rarely convicted of error in his boast that he soon learned the par of exchange of anyone with whom he did business. There is a tradition, which sounds true at least, that the following occurred in connection with a young man who applied to him for a clerkship. Laurens inquired whether he could write a good hand.

"Yes, sir; I write an excellent hand."

"Can you write as well as that?" asked Laurens, showing a line of his own firm, well-shaped writing.

"Oh, yes; I can write better than that," answered the applicant.

<sup>1</sup> *Memoirs of Mrs. Ramsay*, 51.

<sup>2</sup> Letter of Aug. 30, 1755, referring to a cargo of slaves.

"Well, can you write better than that?" asked Laurens, showing a beautifully written letter from his mail.

"Yes, better than that," said the young man.

Laurens declined nevertheless to employ him and remarked after he was gone that he would be hanged for theft or forgery; which gruesome prophecy, so the story goes, unhappily came true.

Laurens's business was that of wholesale commission merchant, factor, and also independent trader importing and exporting on his own account. He dealt in rum, beer, wine, deer skins, rice, indigo, marble mantels, newly imported slaves, indentured white servants, and indeed pretty much anything which correspondents might consign to him. In 1764 we find him sending the frame of a house to England. In 1759 there was a brisk trade in sugar captured by a privateer; and hardly had England seized Guadaloupe when we find him importing thence a cargo of coffee. His principal business, however, appears to have been in rice, indigo, deer skins, wine, and slaves. The large quantities of rice, indigo, and deer skins exported made the handling of these a great source of wealth; while the vast importations of black labor to develop the rapidly expanding agriculture of the province and the fact that the human chattels paid twice the ordinary commissions and sold with greater rapidity made the profits of the factor, not to speak of the owner, very large. The terms on which Laurens worked were ten per cent. commissions on the "Guinea business," as the slave trade was often called, the factor paying all coasting fees, loading, etc., and five per cent. on all other sorts of trade.<sup>1</sup>

December 17, 1767, we find Laurens writing that he has indented "sevenveen servant passengers" arrived from Scotland at £10 each, *i.e.*, had bought them from the importer, intending no doubt to sell their services for the term of the contract for a greater amount. He collected £4 sterling bounty money from the public treasury on these and their

<sup>1</sup> Further details of the slave trade will be found in the next chapter.

companions also. In a letter of November 9, 1768, he writes to William Fisher, of Philadelphia:

I have also been concerned in the Palatine trade—have all our old books by me—I can see what room and provision they were allowed. I remember their cries against masters of vessels and our proceedings thereon.

Such incidents, which were common enough from end to end of the country, show how near we were to white slavery and how hard the system of indentured labor died. By the early laws of North Carolina the illegitimate child of an indentured woman paid for its mother's sin by being condemned to thirty-one years of servitude, a provision, we may believe, which lust and greed did not allow to remain unprofitable.<sup>1</sup>

This was still the period of the "merchant trader" owning his own ships, and Laurens is sometimes found shipping in his own bottoms. As illustrating the commerce of the times, we may quote the following from a letter of Laurens, Sept. 23, 1767, to Captain Richard Todd, of the sloop *Henry*: The vessel is laden five-eighths on account of Mr. Henry Todd, Jr., & Co., and three-eighths on account of Laurens. Capt. Todd is directed to "proceed immediately to Kingston in Jamaica and there to dispose of the whole to the best advantage in ready money and invest the net proceed(s) in good rum of a fine color and full proof or in negroes or in dollars" according to the price of each in a scale which Laurens gives. The slaves would have been sold in some other colony, as South Carolina was then just halfway through her three-year prohibition of the trade. The dealing in Spanish silver dollars illustrates how the medium of exchange is itself made a commodity for speculation when it consists of two relatively fluctuating parts.

<sup>1</sup> The common ignorance of Southern history even by historians is illustrated by the statement of Mr. A. Maurice Low, *The American People*, i., 324, that white indentured servants were impossible in South Carolina. Mr. Theodore D. Jervoy, in the *South Carolina Historical Magazine* for October, 1911, shows that these servants were common—a fact which is shown by a very slight examination of the statute book, not to go further. I have myself seen an advertisement of an indentured Scotchman in a Charleston paper containing the call for a meeting to support American liberty. — North Carolina case, Hawks' *North Carolina*, ii., 160.



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In 1746 the rates on freight per ton from Charleston to Europe were £6 10s. sterling; to the West Indies £4 10s., and to the northern colonies £3 10s. In 1747 the rates were the same, and in 1748 the same less 10 shillings in each case. September 11, 1762, Laurens states that the rate to London was as low as £5 a ton. While these rates were so moderate as to foster an active commerce, they are probably about six to eight times as high as at the present time.

The sea perils to the small vessels which then visited Charleston, none of which exceeded 500 tons burden, says McCrady, and the risks of primitive transportation, almost constantly aggravated by wars, led correspondents to send duplicates, and often triplicates, of their letters by as many vessels. I find in some instances<sup>1</sup> that Laurens sent five copies of an important letter. In the time of danger the ordinary number of copies was three.<sup>2</sup>

An item of commercial news which Laurens transmits in 1748 is that the Legislature had reduced the legal rate of interest from ten to eight per cent. and failed by only one vote to make it £1000 proclamation money fine to charge interest on a "book debt," which shows very plainly the hand of the planter. He might have added that anyone who charged over eight per cent. was to forfeit three times the value of the principal, to be divided equally between the public and the prosecutor.<sup>3</sup>

We are so fortunate as to have the following account of business methods in colonial South Carolina:

<sup>1</sup> In 1757, *e. g.*, during the Seven Years' War.

<sup>2</sup> *E. g.*, I found two "originals" of the same letter in several instances, once, if I remember correctly, in different libraries.

<sup>3</sup> Statutes at Large, iii., 709. About the beginning of the eighteenth century the provincial government paid holders of its bills of credit 12% interest and exacted the same rate from delinquent taxpayers. (Carroll, ii., 257; Statutes at Large, ii., 258 and 712.) An act of 1721 forbade the taking of over 10%. (The legal rate in England was then 5%.) In 1748 the rate was reduced to 8%, and in 1777 to 7%. Bank interest in 1837 was 6%. The rate allowable when none was specified remains 7% to the present day (1914), and until 1882 no higher could be legally contracted for. In 1882, 10% was allowed by written agreement; reduced in 1889 to 8%. Statutes at Large for years cited.

The method of doing business here is to load or ship goods and for the amount of cost and charges to draw as soon as the bills of lading are signed upon some person in England at thirty to forty days payable in London.<sup>1</sup>

Bills of exchange thus drawn might be sold by the drawer to some person wishing to make a payment at a distance, thus performing the double service of possessing the creditor in the one transaction immediately of his money and the debtor in the other with a convenient means of payment. Bills drawn upon well-known merchants, particularly of London, enjoyed a currency similar to that of bankers' bills of to-day. It was in fact common for the great English merchants to conduct the private banking business, though such bankers were and often still are spoken of as merchants.<sup>2</sup> *E. g.*, in 1782 or -3, William Manning, of London, was spoken of by his son-in-law as "Mr. Laurens's merchant" in the sense of banker. These are the originals of the great private banking houses of to-day. June 26, 1747, Laurens makes a payment to a London merchant as follows: James McKay has made a draft on Peregrine Fury, Esq., of London, directing him thirty days after sight to pay to Hector Beringer de Beaufain the sum of £30 sterling. Laurens bought this of Beaufain, who endorsed it in favor of Laurens's London friend, to whom Laurens sent it with the request that it be placed to his credit. Sometimes the creditor in England was directed to get payment from a merchant in his own city with whom the Carolinian had previously a general or particular arrangement to this effect. The American merchant is found remitting a lump sum to his English friend to reimburse him for a number of such advances as just described or settling them in a general balancing of accounts. This, the easiest method of foreign payments, would in the nature of the case be open only to merchants of unquestioned standing. The practice of sending one's London creditor a draft on another London merchant was in effect only a stricter form of the method just described.

Bills of exchange, or drafts, as they were called interchangeably, were sometimes drawn in such detail as to show the

<sup>1</sup> Laurens to Wm. Penn. of St. Augustine, Dec. 24, 1767.

<sup>2</sup> *McClure's Magazine*, xxxvi., 4-5. November, 1910.

services or goods for which payment was demanded. The following is an interesting example:

£500

St. Augustine, 10 December, 1767.

Thirty days after sight of this first bill pay to the order of Henry Laurens, Esq., five hundred pounds Sterling value of him in account for provisions to be bought at Charles Town for five hundred Greek settlers to be imported into this province by Dr. Turnbull in January next according to advice received from him from Mahon, and place the same to Dr. Andrew Turnbull's account without further notice from

Your most humble servant,

JAMES GRANT.

To Sir William Duncan, Baronet, London.

Laurens found that Grant had sent £100 too much; he therefore defaced and returned the draft. He then himself made a draft upon Duncan in London in favor of John Drayton, which, it is to be presumed, he sold to Mr. Drayton at a price to allow that gentleman a small profit; and so the merchant, Mr. Laurens, had his pay for the supplies sent to the Greek colony in Florida.

May 9, 1768, Laurens writes Wm. Cowes & Company, Bristol, to supply Mr. Horlbeck with money or goods to the extent of £1500 sterling, that amount having been lodged by Horlbeck with Laurens for that purpose, and if necessary to make advances to a greater amount. Thus a young merchant without credit abroad bought the credit of an established trader.

Protests appear to have been common, in cases, it is to be presumed, in which no specific arrangement had been made beforehand or in which the drawee was doubtful of the credit of the drawer or had not received the goods against which the draft was made or was dissatisfied with them. In view of the frequency of protests, it was sometimes provided that in case of refusal by one drawee it should be presented to another. It was customary in the case of failed firms to prefer at 100% the claims of creditors who had advanced money to take up non-accepted bills of exchange.<sup>1</sup> Large sums of coin were transmitted to make balances or to meet drafts already made or to be made by the transmitter of the coin.<sup>2</sup>

<sup>1</sup> Laurens to Wm. Reeve, Oct. 2, 1767.

<sup>2</sup> *Ib.*

An illustration of foreign drafts of a somewhat later date will not be out of place. September 6, 1787, Laurens in South Carolina is lending a sum of money to William Jackson in Philadelphia. He sends Jackson a draft (first, second, and third tenor) on Manning & Vaughn, his old merchant friends and business correspondents in London, with two letters of advice, to be "connected" with the first and second tenors respectively. Three weeks later Laurens writes to Manning & Vaughn advising them of the draft. It was customary to send first, second, and third tenor of bills of exchange (*i.e.*, duplicates) by different conveyances, particularly in time of war, so as to be the more sure of the creditor's receiving payment, as has already been described in the case of important letters.<sup>1</sup>

Bills of exchange appear always to have been expressed in sterling, whereas in transactions within the province, currency was meant unless otherwise specified. "The comparative value of sterling coin and paper money diverged so far . . . that after passing through intermediate grades it was finally settled at £7 of paper bills for £1 sterling," says McCrady.<sup>2</sup> £1 currency thus equalled 69½ cents in modern American coin. "At this rate it assumed the character of currency as distinct from sterling, and formed, as it were, another denomination and species of money. . . . In subsequent contracts engagements were made in conformity with this standard." This is true as a generalization; but it was inevitable that the actual exchange values of sterling and provincial paper should vary with all the conditions that contribute to the demand and supply of money in general and the two kinds in particular. There was no such constancy of exchange at seven to one as the statements generally made would infer. This is amply proved by the following table which I have constructed from such quotations as I have happened upon.<sup>3</sup>

<sup>1</sup> *E.g.*, Laurens to Mrs. Mary Gittens, Oct. 20, 1747; Laurens to Crockatt, Oct. 7, 1747, and many others.

<sup>2</sup> *South Carolina*, ii., 272, quoting Ramsay.

<sup>3</sup> Carroll, ii., 234, 258; Statutes at Large, iii., 340, 360, 393, 449, 483, 511, 538; Ramsay, ii., 162-3; McCrady, ii., 396, and various letters of Laurens. It is hardly necessary to remark that the closely stated odd rates

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Paper money, first issued in 1703, maintained its value for some years, but depreciated rapidly after the second issue in 1707. The rates for certain dates are as follows, though it may be relied upon that the fluctuations were much more numerous and uneven than appears here:

In year	1710	150	currency	equaled	100	sterling
	1714	200	"	"	100	"
	1722	400	"	"	100	"
	1731	700	"	"	100	"
	1733	700	"	"	100	"
	1734	700	"	"	100	"
	1736	740	"	"	100	"
	1737	740	"	"	100	"
	1738	800	"	"	100	"
	1739	800	"	"	100	"
	1748	700	"	"	100	"
	1755	700	"	"	100	"
Sept.	1764	721	"	"	100	"
	1764	775	"	"	100	"
Apr. 29	1767	700	"	"	100	"
	1770-3 <sup>1</sup>	762	"	"	100	"

Lieutenant Governor Bull describes the situation correctly (as the statutes do not) when he says that the ratio varied according to the balance of trade. Laurens's attempting in 1764 to get 850 to 100, but succeeding at only 775, is typical and indicates that the fluctuations were even within short periods considerable and must have often occasioned sharp losses. Again, when Laurens writes, *e. g.*, that exchange is selling at about  $7\frac{3}{4}$  to 1, and that he is seeking to get 8 to 1, it shows that South Carolina currency was considerably below its supposed 7 to 1 which the colonial statutes accept—its legal ratio, it might without violence be called—and probably also that there was a very heavy demand for bills on London to pay the balances due by our merchants. Assuming 7 to 1 to be the normal rate, and that no element of further depre-

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of the merchant are a truer index than the round numbers given by the statute book as the ratio for that year.

<sup>1</sup> Exact date within 1770-3 not known.

ciation entered, in the parlance of to-day a rate of  $7\frac{3}{4}$ –8 to 1 would be represented by bankers' bills' on London selling in New York at \$5.38 to \$5.56, \$4.866 being par.

Another term in connection with colonial finance should be explained: proclamation money. The paper money of the various colonies had, of course, different values, and hence the value of foreign coins as of English coins—the latter of which facts the authors of "proclamation money" seem to have ignored—was a different number of shillings or pence in each colony. Apparently imagining that this was due to an erroneous estimate of the true value of the foreign coins and especially to a desire to draw them to one's own colony by placing a higher value upon them than did others, Queen Ann in 1707 forbade any person to treat foreign gold and silver as worth more than one-third more than the value of his colonial paper money. *I. e.*, a Spanish coin containing 21 shillings' weight in metal must not be paid or taken as equivalent to more than 28 shillings of the most worthless paper on the continent. This typical "greenbacker" idea of the good queen is so absurd that one suspects that one has missed the proclamation's meaning until one sees that other commentators give the same explanation and then reflects upon some modern American financial history. All the writers tell us that the people in South Carolina paid it no regard, and we find merchant Laurens writing, April 18, 1767, that a gold doubloon was worth in South Carolina currency £23 (as its metal warranted) and saying nothing of the £4½ which the law commanded.<sup>1</sup> Similarly the Spanish dollar passed at £1 12s. 6d., instead of the 4s. 6d. of the proclamation, in contempt of the threatened six months' imprisonment and cumulative fines which every inhabitant of the province thus braved. It is hardly necessary to remark that in South Carolina "proclama-

<sup>1</sup> Laurens to Fisher, in Historical Society of Pennsylvania collections. The doubloon was worth at various times until 1853, says Webster's New International Dictionary, \$16.58 to \$15.75. The Century gives the value of the Spanish double doubloon as \$16.48 from 1730 to 1772. If £23 South Carolina currency was exact par of exchange (at 7 to 1 of sterling, as it then was) the metallic value of the doubloon would be \$15.98½.

tion money" was little more than a legal fiction. It was in fact merely a sort of money of account in which amounts were sometimes expressed, but had no real existence or coins.<sup>1</sup>

The business of Austin & Laurens was very extensive and profitable, deriving as it did from the elder partner his established position and property, and from the younger his youthful energy and the comfortable patrimony, good will, and wide connections inherited from his father. Laurens says in 1767 that the firm did as large a business as was ever done in South Carolina. During the fourteen years of this partnership and the eight years of his business life following it, we find Laurens's transactions touching correspondents, among other places, in Liverpool, London, Oxford, Bristol, Cowes, Glasgow, Jamaica, Barbadoes, New Providence, Tortola, St. Christopher, St. Kitts, Antigua, Guadaloupe, Boston, New York, Philadelphia, Savannah, St. Augustine, Oporto, Lisbon, Madrid, Havana, Rotterdam, and after 1775 Rochelle, Nantes, and Bordeaux. The intercolonial correspondence of the great merchants was one of the earliest agencies for promoting the acquaintanceship which was so necessary to common action in the events leading to the Revolution and was not without important effects. The standing of Laurens and his firm was of the highest. In 1763 he writes to a discourteous correspondent that never before had the least aspersion been cast upon him, and repels it with a severity the more cutting because restrained. He could boast at the end of his career that he had never intentionally violated the navigation laws, and the Judge of Vice Admiralty in a case in which a ship of his was involved took occasion to speak of his known character for probity as sufficient guarantee that there could have been no fraud. It is common to relate with a boastful chuckle the false entries and other papers, every one of which involved a falsehood, by which the New England trader evaded the acts of trade and practiced a freedom of commerce indicative of his love of liberty. Whether the love was of liberty or of money, I cannot but feel pride in the fact that not only Laurens, but

<sup>1</sup> Statutes at Large, ii., 563, 708-11.

the bulk of the great Carolina merchants, his contemporaries, were of such unspotted personal integrity as to be able to make such a declaration as that just quoted from him and to make even suspicion regarding their intentions impossible to a jealous Court of Vice Admiralty.

Though Laurens was firm, methodical, and upright in his business relations, and very definite and clear-cut in his opinions and statements about the men he had to deal with, he proved on frequent occasions much more kindly to delinquents than these qualities would have led us to expect. While always quick to denounce improper conduct in unambiguous terms, he was never either in private or public life vindictive in following up a wrongdoer.<sup>1</sup> We find him bringing the sin straight home to the slipshod, the ingrate, the defrauder, or the delinquent of even deeper dye. As to the blackness of the guilt and where it belongs there must be no misunderstanding; but clemency readily responded to contrition in the offender, and he was more anxious to secure the amendment of character than the infliction of penalty. But though his business relations exhibit the man's character in many aspects, there are others which it did not bring out. Soon after getting successfully launched, the young man of business married, and other interests began to multiply. As he rose in importance in the community, he became active in various phases of public life, and these things all had their part in developing and tempering his powers. He had also built up large interests as a planter. Before going further we must take a view of these sides of his life.

<sup>1</sup> Whether anything in the Deane-Lee matter constitutes an exception might occasion differences of opinion.



## CHAPTER V

### FAMILY LIFE AND TRAITS OF CHARACTER, 1750-70

YOUNG HENRY LAURENS is said to have met "the beautiful Eleanor Ball," daughter of Elias Ball the immigrant, at her brother's wedding at Coming-tee, Mrs. Affra Coming's plantation on Cooper River, and to have fallen in love with her at first sight.<sup>1</sup> On July 6, 1750 (*i. e.*, June 25, Old Style), at the age of twenty-six, he was married to this splendid young woman of nineteen. Her ancestors came to South Carolina from Devonshire, England, about the end of the seventeenth century.<sup>2</sup> In a letter of 1747 Laurens's friend, Rev. St. John, rallies him, evidently about some young lady; but the stroke drew no spark, and I know of no other reference to any love affair.

Henry and his younger brother James, who had also become a prosperous merchant, seem to have been at this time the only ones of their name left in Charleston, though some of their nephews and nieces resided in the town. The friendship between the brothers remained to the end unalloyed and intimate.

Throughout her married life, Mrs. Laurens gave herself to her heavy responsibilities as wife and mother with the fullest devotion, and the couple were united in perfect love and sympathy. The frequency and character of Laurens's references

<sup>1</sup> Mrs. Ravenel's *Charleston*, 158. Mrs. Ravenel's great-aunt married Laurens's son, and hence this pretty piece of family tradition comes to us very directly. The place, sometimes spelt "Coming T," derives its name doubtless from being the home of the Comings in the "T," as it is called, formed by the forks of the Cooper River.

<sup>2</sup> Ramsay's *Memoirs*, II.

to her in his correspondence show that their companionship was cordial and happy.<sup>1</sup> He tempts guests with visions of the splendid mince pies and famous hams they may expect their hostess to set before them. A good housekeeper, a good counsel-keeper; she "never tells a secret"; and he calls her "a tender and watchful mother to (our children) and a faithful friend in all respects to me."

His "riches in a family" increased almost as rapidly as his worldly possessions; but unhappily many of the children died young. Laurens writes, October 1, 1768, that Mrs. Laurens was "confined to her chamber (as usual once in the round of a twelvemonth) under the mortifying reflections which arise from the loss of a very fine girl." It occurs to the twentieth-century reader that Mr. Laurens ought himself to have felt some mortification at being in a position to write a parenthesis like that. But it was very much the colonial way. In those days they married early, had troops of children, who contrary to the order of nature and propriety, were mostly buried before their parents. The young mothers, frequently put to the strain of child-bearing before they were full-grown women, and allowed short rest between times, too often laid their weary bodies among their little ones long before reaching middle life. Two or three wives to a man was common. George Washington's brother Samuel had five wives and died at forty-seven at that. In 1754-5 the death rate, meaning evidently to include both whites and blacks, for the large parish of St. Philip's was 137 to a population of 4911, *i. e.* to say 29.7 to the thousand, which is, sad to say, a good deal better than for the Charleston of a hundred and fifty years later.<sup>2</sup> Only four of Laurens's twelve or more children reached maturity and

<sup>1</sup> As Laurens was never away from home except for brief trips to his plantations during the life of his wife, letters to her would be rare. I have never seen one.

<sup>2</sup> *South Carolina Gazette*, June 12-19, 1755. The death rate for the United States in 1909 was 15 per thousand; for ordinary cities about 17 to 20; for Charleston, according to the census of 1900, 37.5 for all classes; 25.6 for whites, and 46.7 for negroes. Carroll, ii., 484, states the population of Charleston in 1763 as about 8,000, about equally divided between whites and blacks.

only three survived their father.<sup>1</sup> Those bitter griefs mingled so thick with the sweet associations of family life that Franklin's consolation to him as an old man that he had had more than his share of sorrow would have been appropriate at any time. His first three children, two girls and a boy, born in 1751, 1752, and 1753, all died early. Not until John, in 1754, did he have a child that was destined to grow to maturity. A third son, born in 1758, died in infancy. In the fearful scourge of smallpox in 1760, his daughter Martha, less than one year old, was so ill as to be pronounced dead, and was about to be prepared for burial when discovered by Dr. Moultrie to be alive. She lived to be the third wife of Dr. David Ramsay and the mother of eleven children in sixteen years (after which she fell on rest) and was in every other way a very remarkable person. In 1764 Laurens lost a nine-year-old girl, an affliction which he deeply felt; and so on, sometimes in cruel, sudden form, "the last enemy" struck down his sons and daughters as the tempest the children of Job. His sorrows added a note of resignation to his character, but they did not take from him the quiet, deep peace of a man of religious nature attached to home and wife and children, prepared to quaff much of bitter from the cup of life and yet find satisfaction in human relationships.

To his friend Monkhouse Davison, of London, Laurens writes, October 15, 1762, an account of himself:

Your affectionate inquiry after my riches in a family is very obliging. I have, thank God, the wife he gave me in 1750; and of more than a [half]

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<sup>1</sup> See genealogy in appendix. I cannot reconcile the statement of Mr. H. R. Laurens that the child Eleanor was born in 1757 instead of 1755 with Laurens's letters. Laurens says in December, 1764, that he lost that year "a dead eldest daughter," and in August, 1764, speaks of "the sudden death of my dear little improved girl Nelly." If Nelly was a nick-name for Eleanor (Laurens called his wife Nelly. See Laurens to Ball, Aug. 9, 1763, in Historical Society of Pennsylvania collections), and another Eleanor was born in 1757, then he named two living children Eleanor. I find no reference to any child born in 1757. If there was, then Laurens had thirteen children; and if either "James Laurens, child," or the unnamed Laurens child, buried 1760 and 1755, was his in addition, then he had fourteen.

dozen children of one sort and another, I am blessed with one boy about eight years old, a girl of seven and one about three.<sup>1</sup> I believe if anything tempts me to cross the Atlantic Ocean it will be to put the boy to school in England. He is very forward in his books and behaves so well in general as to gain at least the approbation of a partial father. I am glad you are so happy in your nieces. May your pleasures daily increase; but I should be rather more pleased to hear that you had some sons and daughters of your own, and then you would be convinced that the difference between the love of an uncle and that degree of pleasure which a parent enjoys is as great as the difference between the faint light of the moon and the warm and cheerful beams of the universal eye.

I have settled two plantations in the country and I have two valuable and very improvable lots of land in this town, and besides these (*sic*); which shews you that I have no intention to wander from my own country. I have reserved a sum sufficient to carry on my little plan of trade without putting me to the trouble of borrowing or the inconvenience of being in debt. I am as contented and generally as cheerful as most folk and travel on with patience through life's chequered paths endeavoring to prepare

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<sup>1</sup> I have supplied the word "half" in brackets for the following reasons: Laurens had had at this time seven or eight children, three of whom were living and four dead. I take him to mean that he had "more than a half dozen children," living and dead. The habit of many persons in stating the number of their children to include all who have been born to them, whether still living or not, is very common. He gives an account of each living child, but makes no further allusion to the ones he has lost. The expression as it stands transcribed in the letter-book from the original, "more than a dozen children of one sort and another," might be conceived to mean legitimate and illegitimate; but to one acquainted with the character of the man, this interpretation is impossible. No decent man of the world, to say nothing of a sincere Christian of rather strict conduct, as we shall come to see Laurens was, would join in the same sentence an affectionate reference to his wife and a flippant allusion to illegitimate children and continue in the strain which the balance of the letter exhibits. At about this time Laurens speaks of having lost an overseer by having remonstrated with him for living in open adultery and in 1763 he summarily discharged another for adultery with one of the negroes at Mepkin—conduct on distant plantations which would hardly be so offensive to an employer who could allude so cavalierly to his own escapades. Mistakes such as the omission of this little word "half" are very common in writing, either in the original or in letter-book transcriptions, but they are not usually so embarrassing as in this case or in the "wicked Bible" of 1631, in which the printer omitted "not" from the seventh commandment. In the letter in question (which is copied by a clerk into the letter-book and is not in Laurens's handwriting) six lines further on, the clerk wrote "Paren," when he discovered his mis-

myself for submitting when I arrive at its uncertain period with a becoming resignation.

Laurens was so overburdened in 1764 with merchandise and planting that he had to turn off business. One of his ship captains died, and also his wife's brother John Coming Ball, his "best friend and best overseer," who managed two of his plantations, as he himself was still a very green planter. "It has been a year of sorrows; a dead eldest daughter, a sick and dying wife."<sup>1</sup> Dec. 13, the wife "is now abroad again," and on the 17th she is well. Truly his griefs were many. His poor, dear wife must have found life a weary burden. So many children born with pain and lost with sorrow; the cry of the new-born babe so soon followed by the cry of the bereft mother, and the father sadly afflicted.

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take, struck it through and wrote "Father." The clerk copies several of his letters to Ettwein as to "Edwin." I may cite, e. g., the following which have come casually to my attention: In a letter of November 9, 1768, quoted below, he refers, according to his copyist, to the African slave catchers as "baptized heathen," evidently meaning to contrast these *unbaptized* heathen with a Mr. Jackson's treatment of poor Irish Protestants. In a letter of May 30, 1782, Laurens is recorded in Wharton's *Diplomatic Correspondence* as writing seventeen years, an error which, to one acquainted with his life, does not need the correct statement in the letter of June 24 following to be recognized as intended for seven years. John Adams in writing to Franklin, June 9, 1782, says "last week," meaning plainly last month. Laurens, in his letter of June 24, 1782, means his ransom, but writes his "reason," according to Wharton. Laurens's letter to Franklin dated April 20, 1782, should be April 30, as the accompanying letters show. Again, Laurens acknowledges the receipt of £16,666, 13 shillings, meaning 16,666 livres, 13 sols. I have been put to considerable trouble because of Laurens or his secretary's endorsing a letter "Dec. 10, 1770," which should, have been "Dec. 10, 1780." These illustrations are equally pertinent whether the mistakes occurred in the original writer, the letter-book copyist, or the modern editor.

I have taken this notice of the Davison letter lest I might appear as wishing to conceal what I feared might be damaging. Coming upon it before I had become familiar with Laurens's character, I regarded it as possibly compromising and read it with regret. As I became more thoroughly acquainted with Laurens's character, I saw how impossible was such a supposition.

<sup>1</sup> Letter of Nov. 9, 1764.

Before 1764 Laurens lived south of Broad Street in St. Michael's parish.<sup>1</sup> In the spring of 1764 he moved into his "fine new house with a wall all upon the front of my garden" in Ansonboro, in what was then the northern part of the town.<sup>2</sup> Ansonboro was for many years before and after the Revolution the fashionable quarter of the city, as is attested by the grandeur of some of the ancient residences that still give it dignity. Chief Justice Pinckney built a mansion there, which during his absence in England from 1753 to 1758 was occupied by Governor Glen.<sup>3</sup> Near Laurens, "Thomas Lynch had built an elegant house of cypress from his plantation on the Santee," using a material which was very common then for building purposes.

The Laurens house still stands, at the corner of East Bay and Laurens streets, essentially as originally built.<sup>4</sup> It is not by any means so imposing, convenient, or beautiful either inside or out as many others of the period, but seems nevertheless the natural expression of the firm-set, unostentatious character of the man who made it, like him severe and

<sup>1</sup> *Appendix to the Extracts*, etc., 58, states that he was living in St. Michael's in 1762.

<sup>2</sup> Laurens to "John Edwin" (Ettwein), March 13, 1764, in Historical Society of Pennsylvania collections, says that he expects to move into his new house next week; December 24 he writes another correspondent that he is in it.

<sup>3</sup> McCrady, ii., 398; Mrs. Ravenel's *Charleston*, 141 and 156.

<sup>4</sup> General McCrady, *South Carolina as a Royal Province*, 398, inadvertently places it across the street in the square to the southwest. Mrs. Ravenel, in her *Charleston, the Place and the People*, speaks of the house as much changed. Mrs. Ravenel, whose great-aunt married Henry Laurens's son, has been so kind as to write me that it was a family tradition that the house was so much injured by British shells during the siege that the present roof was afterward added. Cf. the letter of Laurens's employee James Custer immediately after the siege, who in describing to his master minutely the damage his property had suffered says that "a shel . . . entered through the rouf of the Passage & Boarsted in the midst of it. threw the Mahogany stairs in flinters besides considerable other damage." The outhouses were struck too often to be counted; stable and kitchen were entirely down, garden entirely destroyed, one house seized as barracks for Hessians and the residence "hardly worth repairing."—James Custer to Laurens, June, 1780, in Laurens MSS. in L. I. Hist. Soc.

four-square to all the winds that blow. The house is a plain, rather barn-like, square-built structure 38 feet 6 inches by 60 feet 7 inches on the outside, with jerkin-head roof, and consists of four large rooms downstairs and four up, a spacious attic, besides several small apartments. It is of nine-inch-long brick and is built so substantially from the cellar to the heavily hewn timbers of the spacious attic, where old wine bottles and demijohns mutely remind us of good times in the great dining and ball rooms below, that when over a hundred and twenty years old it passed through the earthquake of 1886 uncondemned and is to-day firm and true.<sup>1</sup> As one enters the small hallway at the south amounting to little more than a vestibule, stairs on the left lead to the upper story and a door to the right admits to the library. There is no hallway through the house. The library measures 18 feet 8 inches by 17 feet 2 inches. On one side of the broad chimney and all the way across the back, save for the width of the hall door in the corner, there are built as part of the house high mahogany bookcases, whose beautiful glass doors, patterned in octagons with subordinate squares and triangles, express dignity and refinement. The shelving amounts to two hundred linear feet.

To the east of the library is the dining room, whose dimensions of  $27\frac{1}{2}$  by  $17\frac{1}{3}$  feet proclaim the hospitality for which it was designed. The paneled chimney measures 10 feet and  $\frac{3}{4}$  inch across all the way to the ceiling. Immediately above is the ballroom, of the same proportions. Some of the mantels are of marble and some of simply carved wood. Simplicity of style and dignity of proportions, in keeping with the master's taste in all things, mark all the apartments.<sup>2</sup>

<sup>1</sup> I am compelled to say, however, that all that I have been able to discover regarding the traditions of Washington's and Lafayette's having honored its halls seems to show that they never entered it.

<sup>2</sup> In 1771, while Laurens was in England, a stroke of lightning shattered the house in many parts, destroyed much furniture and melted the silverware. The family, though present, were uninjured. Laurens's letter, of December 26, 1771.

A yard and garden of four acres reclaimed from the tide<sup>1</sup> still lie to the south and east, though the only traces of their former beauty which the most credulous tradition lover can point out are a few fig bushes. The garden was "under the care of John Watson, an English gardener brought out to attend to it," says Mrs. Ravenel.<sup>2</sup> In it there were, besides shrubs and flowers, oranges, sugar cane, figs, olives, and numerous rare and beautiful plants gathered from distant lands. After visiting the up-country, Laurens gathered through his friends around Ninety-Six a variety of flowers, roots, and seeds of the native growths.<sup>3</sup> When native figs were a curiosity in America he raised great quantities and annually gathered fifty to a hundred bushels of olives.<sup>4</sup>

Into this new home Colonel and Mrs. Laurens moved in 1764, with their little ten-year-old John, five-year-old Martha ("Patsy" as they called her),<sup>5</sup> and one-year-old baby Henry.

<sup>1</sup> Large areas, comprising some of the most beautiful spots in the city, have been so reclaimed and the process is still going on. The best known examples are White Point Gardens, the Battery, and the Boulevard.

<sup>2</sup> *Charleston*, 158.

<sup>3</sup> If the following curious passage does not indicate that Laurens ate rattlesnake, what does it mean? In writing to Andrew Williamson in the back country, Oct. 30, 1764, he acknowledges the "chestnuts, hazelnuts, Telonish & puccoon, for which I return thanks as I do for the poor unfortunate rattlesnake whose body made an addition to my table today."—Letter in Historical Society of Pennsylvania MSS.

Mr. F. W. Hodge, of the Bureau of American Ethnology, writes me, January 22, 1914, that he does not know of any custom of eating rattlesnakes by either the aborigines or the white settlers in America, but that "It has been stated that the eating of snakes is a recognized custom in Italy, the snake being referred to as 'eel of the hedge,' as distinguished from 'eel of the water.'"

Prof. Alexander F. Chamberlain, of Clark University and author of an article in the *Britannica* on the American Indian, writes me, February 14, 1914, that "Roast rattlesnakes were eaten by a number of our Indian tribes," but cannot answer my inquiry regarding whites.

Laurens, we know, was an ardent experimenter, and the rattlesnake was sent him along with plants and seeds with which he was experimenting.

<sup>4</sup> John Adams's *Journal*, Dec. 5, 1782, quoted in Wharton, vi., 109.

<sup>5</sup> So it could not have been at either one of the windows at the East Bay house which tradition points out with such circumstance and certainty,



He was now forty years of age. Success, wealth, influence, public respect had come as he "traveled with patience through life's chequered paths." Though severely disciplined by sorrow, yet he appears very much the same man, only deepened and broadened, whom we saw crossing the Atlantic and setting up his business in 1747-8-9. His life-long trait of kindness of heart became more pronounced with age, though often obscured from outsiders by the quick, tart, impatient speech with which he was prompt to lash the man in whom he thought he saw pomposity, pretense, or meanness. He tells us that he never imprisoned a person for debt and scarcely ever even sued for a debt.<sup>1</sup> His kindness was ever ready to his slaves, the poor, the wronged, or to worthy young men beginning their career. Under him the harsh features of slavery were made as light as possible. Writing, April 1, 1765, to young Elias Ball, the son of John Coming Ball his brother-in-law, about the settlement of the estate of the latter, with whom Laurens had planted in partnership, he says:

I don't know anything that could have contrived to distress and embarrass my plantation again more than the necessary division of fathers, mothers, husbands, wives and children who tho (*sic*) slaves are still human creatures, and I cannot be deaf to their cries least (*sic*) a time should come when I should cry and there shall be none to pity me.<sup>2</sup>

Mrs. Laurens also cared for their needs and the overseers' wives, when able, sewed for them. Along with a group of negroes going to the plantation, Laurens sent these directions to the overseer:

Two of the women with child and near their time be very careful of them and employ a proper woman if any in the neighborhood or agree with Dolly Hayes to take care of them until they can go about. Mrs. Laurens has given baby clothes to one and will send some for the other next week. All these people even the boys are fit to go to work therefore improve their time as Mr. Ball may direct. . . .<sup>3</sup>

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after the manner of tradition, that they laid her for dead with the smallpox, for she was under one year old when that occurred.

<sup>1</sup> *Appendix to Extracts*, etc., 52.

<sup>2</sup> Historical Society of Pennsylvania collections.

<sup>3</sup> Laurens to James Lawrence, Jan. 1, 1765; Laurens to Schad, April 1, 1765, in Historical Society of Pennsylvania collections.

The sorrows of an obscure slave, though far away, touched his heart. Writing, October 26, 1767, to the overseer of a Georgia plantation, he charges:

Let Sam have everything that he shall stand in need of; he is a good hand, but sickly, and note what rum and sugar he uses, and give all the workmen a dram of grog when you see occasion. . . .

The women are to make their own clothes, and you will remember that some are to be clad in striped flannel, which you may also give for the children. Give blankets where they are really needed.

Be kind to Berom in his affliction.

Poor, dim, black Berom, who stands out in a line in the white man's letter to illustrate another's good qualities a hundred years after he is dead. Nobody cares now and few cared much then what his affliction was; but fortunately for him as he trod his slave's path through life, he had a master who remembered that Berom had a human heart, sensitive to suffering and responsive to kindness. The master's soul had been wrung the month before by a sorrow which would make him feel all men's sorrows more. September 24, 1767, he wrote to James Habersham:

Mrs. Laurens was delivered the 10th instant of as fine and promising a boy as ever was born under my roof, and this day that poor boy is delivered of all the troubles and vexations complained of above and of ten thousand thousand more in the common lot of human life. He was attacked three days ago by a disorder the good women call the purple thrush and died this morning. The woman, but weak and low before, suffers extremely notwithstanding her exemplary patience and meekness under this sudden change and disappointment.

The woman! "The woman suffers extremely."—"As fine and promising a boy as ever was born under my roof." Oh, God! Did this all happen in old Charles Town in 1767 or any and everywhere on yesterday? Sad days in the old East Bay house.

Laurens would retain no overseer, however profitable, who was cruel to his negroes, and he lost another because he could not see him living in adultery on a distant plantation without a firm remonstrance, and a third he summarily discharged for

immorality with a slave woman. We find him settling without charge the simple affairs of some poor sailor who had died far from his native land and sending what little effects he left, with a letter of consolation, to his widow. In 1769 in a bitter controversy in which it appeared the intent of each disputant to rake up everything possible against the other, his antagonist, Egerton Leigh, saw fit to sneer at "the religious Mr. Laurens," his "sly dollar" or basket of bread given to the poor, "his table, full and amply spread to every *Skipper* in the trade," his subscribing, from self-interest it was hinted, to every public cause and likewise helping young merchants; and to cap the climax, Leigh charged with special glee that he had pretended to a superior virtue by withdrawing from the slave trade on account of tenderness of heart. A shining illustration of how Laurens governed his business by the dictates of humanity is found in his reply to his friend William Fisher, of Philadelphia, who was seeking to enlist his influence in the Assembly in favor of a Mr. Jackson in collecting bounty money on a number of Irish Protestants imported into South Carolina.<sup>1</sup>

Laurens wrote (November 9, 1768):

I must act as shall appear to be right and without partial favor, although my good friend Mr. Fisher becomes his advocate, and I am sure he would not love me if I acted upon other principles. . . . If you knew the whole affair it would make your humanity shudder. I have been largely concerned in the African trade. I quitted the profits arising from that gainful branch principally because of many acts from the masters and others concerned toward the wretched negroes from the time of purchasing to that of selling

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<sup>1</sup> Feb. 11, 1768, the brigantine *Lord Dungamore* brought one hundred and twenty and the snow *Billy Greg* one hundred and fifty passengers from the north of Ireland.—McCrary's *South Carolina as a Royal Province*, 593. Whether these were Mr. Jackson's I do not attempt to say.

William Fisher, Laurens's constant correspondent in business and esteemed friend, was a prominent Quaker merchant of Philadelphia. He married Sarah Coleman and was the father of Samuel W. Fisher. He was made a Common Councilman of Philadelphia in 1767, Alderman in 1770, a Manager of the Corporation for the Relief of the Poor the same year, and was Mayor of the city, 1773-4.—J. R. Young, editor: *Memorial History of Philadelphia*, i, 367.

them again, some of which, although within my knowledge, were uncontrollable<sup>1</sup>—yet I never saw an instance of cruelty in ten or twelve years experience in that branch equal to the cruelty exercised upon those poor Irish, who are to be, I suppose, the subject of Mr. Jackson's application. No! Selfinterest prompted the baptized heathen to take some care of their wretched *slaves for a market*, but no other care was taken of those poor Protestant Christians from Ireland but to deliver as many as possible alive on shoar upon the cheapest terms, no matter how they fared upon the voyage nor in what condition they were landed.<sup>2</sup> I have been also concerned in the Palatine trade—have our old books by me—I can see what room and provision they were allowed. I remember their cries against Masters of vessels and our proceedings thereupon; therefore am not quite ignorant of what ought to have been done in Mr. Jackson's case to save a number of poor deluded (compare the pompous advertisements dispersed in Ireland with the list of provisions and the scanty bed places) creatures from death and wretchedness, and to save this town and province too more, as I apprehend, than the amount of the expected bounty money. I cannot forbear opposing the unjust man and the oppressor; but I do not mean, for all this, to shut my ears to the voice of reason. If she speaks, I shall listen and obey.

After this we are not surprised to read Laurens's remark in a letter of January 28, 1768: "The bounty to foreign poor Protestants having been much abused will be discontinued."

Laurens writes in 1771 that he had lost very heavily in recent years by "acts of kindness done to others"; but nevertheless he continued his considerate helpfulness to the last. In 1767 he put up a large amount to keep one of his friends' relatives out of debtors' prison and had the experience of seeing the debtor run away. He robbed me of enough to ruin some men, and made me feel it, but he would not, he says, take advantage of even an enemy; and so when the man's lands were sold at a ruinously low figure, the much injured but magnanimous Laurens bought them in and offered them to the ingrate at the same figure, plus the bail he had forfeited. This was in harmony with Laurens's usual conduct. At another time he

<sup>1</sup> Letter-book copyist blunder, doubtless.

<sup>2</sup> The MS. reads "baptized heathen," as in the text. This suggests an interesting question as to whether Laurens was so far advanced in his abhorrence of the slave trade as to speak thus of English and American traders, or whether the MS., which is a transcript, should be "unbaptized heathen," meaning the slave catchers in Africa. I incline to the latter view.

says to a friend that he often aids but never oppresses the poor. He was greatly drawn to boys and young men, as we shall see illustrated with unusual beauty in his relations with his sons, and was always ready to secure business among his wide circle of correspondents for young merchants without much money, as he says, but with excellent character and credit.

It was the habit of the merchant or professional man in old South Carolina as he prospered to invest in broad plantations, not only for the rich profits that came that way, but as well because of the inherent love of owning land and the social distinction by which it was accompanied. Laurens greatly increased his landed property until he came to own many thousands of acres in numerous plantations in Georgia and South Carolina. The death of Ball left the combined pressure of planting and merchandise too heavy upon him. His attention was given more and more to his planting interests, and about 1764 he began to contract his mercantile operations, "resigning the bulk of my commission business," he writes, December 14, 1764, to the house of Price, Hest & Head, a firm of "very worthy young men." Eight days later he writes that he reserves only the right to take consignments on commission from particular friends. The difficulty in retaining competent employees in this period of expanding and profitable industry, when bright young men felt strongly the lure of launching into commerce or planting on their own account, made the duties of the master onerous and hampered his operations. "To discharge much business in this country faithfully," says Laurens, "much application and drudgery is necessary; we cannot trust any other eyes or judgment but our own in every minute article. Negroes are faithless and workmen exceedingly careless." He was offered, he wrote in a letter of December 22, 1764, "a partnership in the first house in this town, where, I may say, we might have carried everything before us"; but he was maturing other plans and declined. With the growth of his sons grew his desire to go to Europe to supervise their education. He continued to contract his business; the non-importation association of 1769 loaded merchants, particularly the straightforward, with risks and

vexations, and a great personal bereavement decided him to consummate at once the plans for educating his boys. May 22, 1770, his faithful wife died, leaving him the care of five children, the youngest a babe of a few weeks, for whose life the mother yielded hers.<sup>1</sup> The rearing and education of his children now became the chief aim of his life and his business was accordingly soon brought to a close.

Beginning with the summer of 1747, his life as an independent business man had extended over twenty-three years. For the first year he had operated alone; for the fourteen years from 1748 to 1762 he was in partnership with George Austin, and for the latter part of this time with George Appleby also. During the eight years from 1762 to 1770 he was again without a partner, though soon, as we saw, invited to join the first house in the province.<sup>2</sup>

While Laurens was a great merchant, he was something more. Though keenly engaged in business, he looked upon public affairs, as was the wholesome custom with so many of the best men of the place and times, as almost as vitally a part of his life as his own private concerns. In the Indian war of 1761, the busy merchant, in the full tide of his wealth-getting, accepted a commission, went scurrying over North and South Carolina collecting recruits, and marched into the Appalachian Mountains in the service of the public. The Charleston Library Society, the South Carolina Society, church affairs, and doubtless many other matters of the common good enlisted his interest. He had become also a man of considerable literary culture. The titles of the works lent to one of his overseers testifies to the broad and virile character of his reading. The conversation of this forceful, cultivated

<sup>1</sup> Mary Eleanor, born April 27, the future wife of Governor Charles Pinckney.

<sup>2</sup> Mr. A. S. Salley, Jr., tells me that he has the impression that Laurens at about this period formed a partnership with his brother and John Lewis Gervais. Laurens bought land with Gervais and others, but I find nothing to indicate that he was ever a member of any formal partnerships except as noted in the text. I know nothing of who was the "Company" in the firm of "James Laurens & Company," whose advertisements I notice in the *Gazette* during 1762.

man of affairs was said to be full of vivacity and charm. A mercantile career in such a spirit, with its severe discipline and with the broadening influence of foreign correspondence and travel, was a valuable schooling for one whose destiny was to include the duties of an American statesman and diplomat; and when there were added the training involved in the operation of several large plantations, inhabited by hundreds of human beings looking to him for direction, and thirteen years' experience in the Commons House of Assembly during the most active period of its struggle for self-government, we have one of the best preparations imaginable for the wise handling of public affairs in a large and responsible way. There can be no doubt that if the Continental Congress had contained during the years from 1777 to 1783 more men to whose general good intentions there had been added such preparation as this, it would have been a great blessing to the country.

## CHAPTER VI

### THE FOREIGN SLAVE TRADE IN SOUTH CAROLINA IN THE EIGHTEENTH CENTURY, 1703-1807

ONE of the principal sources of wealth to the Carolina importing merchant in the eighteenth century was the foreign slave trade. The agricultural resources of the new country were being rapidly exploited and both indigo and rice planters were constantly calling for more labor. In view of the misapprehensions sometimes entertained regarding this subject, a word of caution may not be out of place against the idea that the constant stream of new negroes was needed to replace those destroyed by overwork, neglect, or the miasmas of the swamps and rice fields. The number of slaves increased very rapidly, even during the several periods of the prohibition of importation. Governor Glen writes, *e. g.*, in 1749:<sup>1</sup>

A law having been made in this Province whereby a duty was laid on Negroes imported here, that it amounted to a prohibition: though since the expiration of that law, the war hath hitherto prevented any from being imported, I do not find that in about nine years time, our number of negroes 's diminished, but on the contrary increased: so that from all appearances the negroes bred from among our own Stock, will continually recruit and keep it up, if not enable us to supply the Sugar colonies with a small number of Negroes.

It was testified before a committee of the British House of Commons that in thirty-eight years a body of Gabriel Manigault's slaves in the South Carolina low country had grown by

<sup>1</sup> Carroll's *Collections*, ii., 224. The statement here quoted was evidently written in 1749. Carroll, page v of his preface to Vol. i., says that the pamphlet "has been attributed to Governor Glen."



natural increase from eighty-six to two hundred and seventy, only twelve or fourteen old slaves being replaced by purchases, certainly a very remarkable percentage.<sup>1</sup> Dr. Alexander Hewatt, pastor of the Scotch Presbyterian Church in Charleston from 1763 to 1776, who was "bitterly opposed to salvery,"<sup>2</sup> states that the South Carolina planters treated their slaves with greater kindness than those of any other British colony.<sup>3</sup>

The health of slaves was, of course, given careful attention, if on no higher grounds than the owner's interests. The fearful spread of several diseases, notably venereal diseases and pulmonary troubles, among the negroes since emancipation is well known. So rare were these complaints under slavery that a case is the occasion for remark. In a letter of September 7, 1771, Laurens's agent tells him that a slave woman is very ill with venereal disease, and has been for two years. She was given medical attention with the intention of afterwards selling her. The same trouble is evidently referred to in a letter to an overseer January 7, 1763.<sup>4</sup> His letters contain directions concerning doctors for his negroes and refer to large quantities of sugar, rum, medicine, and delicacies for the sick. Drunkenness was rigidly restrained. Laurens complains during the confused months preceding the Revolution of the frequency of drunkenness among the slaves which had resulted.

The steady and rapid increase in the slave population during the entire history is of itself sufficient exposure of such charges as that the planters preferred to work their negroes to death and replace them by new purchases. As a matter of fact the colony lived in continual dread at the rapid multiplication of the blacks. It would be no more untrue to explain the steady stream of immigrants into the United States to-day as necessary to replace their predecessors who are ground to death in our factories and mines.

<sup>1</sup> McCrady's *South Carolina under the Royal Government*, 403.

<sup>2</sup> McCrady.

<sup>3</sup> McCrady's *Slavery in the Province of South Carolina*, 652.

<sup>4</sup> Historical Society of Pennsylvania MSS. Laurens mentions a slave woman with "Guinea worm" in her leg, which is "no great injury." Letter of July 13, 1764, in *Ib.*

The eighteenth century and first part of the nineteenth in South Carolina formed indeed a period of immense expansion of agriculture. Improved methods and enlarged operations called, as is always the case, for greatly increased numbers of laborers. *E. g.*, the cultivation of rice was confined before the Revolution to spots which could be irrigated by impounded water. About the close of the Revolution the planters began the stupendous task of felling the cypress forests and building dykes and sluices for irrigating the river low lands through the agency of the tides.<sup>1</sup>

The importation of slaves, both on their own account and as agents for the "African merchants" of England, was, as private letters and advertisements in the Gazettes show, the practice of numbers of Charleston merchants of the highest business and social standing. Not only was there no moral condemnation of this crime against humanity, but the importer was entirely free from the social disadvantage which attaches to many occupations whose morality and necessity are universally recognized. Gabriel Manigault, the richest merchant, says McCrady, of colonial South Carolina would never engage in that branch; and as we shall see, as time went on other consciences besides his were touched. But these were men extraordinary for their kindness of heart and elevation of view, while the average man of business regarded such qualms with some degree of pity. The Englishmen for whom the Carolina factors acted enjoyed an equally high standing in their own country as did Sir John Hawkins when he thought it an honor to place as the achievement upon his coat of arms a bound blackamoor. For instance, Laurens writes his former partner, George Appleby, October 18, 1764, that he has recently sold a cargo of slaves at better prices than anybody else in the colony for Oswald & Company; and on February 6, 1772, he writes from England to his brother that the mayor of Bristol and this same Richard Oswald, who afterwards represented England in the treaty of 1783, are sending slave ships to South Carolina. The smaller and poorer factors were excluded from

<sup>1</sup> Mrs. Ravenel's *Wm. Lowndes*, 21-2.

the profits of this business because of the high credit or bonds which were demanded by the owners of such valuable cargoes. A load of 200 negroes might be worth \$50,000, an item the sale, collection, and prompt transmission for which involved large responsibility. While drumming up business on his tour of the leading trading towns of southern and central England in 1749, Laurens assures Mr. James Baradoc, of Liverpool, January 23 (year N. S.), that if he should determine to send "a negro ship to Carolina," as he was considering, "and address the same to us, we are ready to give security in England for the proceeds of the sales"; and we find him in 1771 offering John Hopton, his former clerk, to go one-half on his surety for £10,000 to enable him to get a consignment of slaves.

Before 1732<sup>1</sup> it had been the custom to sell slaves for rice. The factor's obligation extended no further than to ship the rice to the slave merchant when it should be paid by the purchaser. After 1732, however, the system was more strict, and the factor was bound to remit two-thirds of the amount in twelve months after sale and the balance at the end of the second year. A factor of Laurens's standing did better than this. He writes, May 26, 1755, in offering to take a half share in a cargo of slaves: "We sold three cargoes last year after the 1st of July and every shilling was remitted for them by the 18th March, and every preceding year has been much the same";—which certainly bears the ring of first-class business methods.

The firm's receipts on ordinary business were 5% commission; their terms for the slave trade were 10% of the selling price, out of which they paid for coasting fees, loading, etc. These were the regular current rates.

From Bristol, on his drumming tour, Laurens writes, February 21, 1749 (year N. S.), "I have a letter which says that negroes would sell at a monstrous price." Thus we see the triple combination of greedy self-interest which flooded a fair new country, its future yet so free from the curse of early

<sup>1</sup> Article in the *S. C. Gazette* of March 9, 1738, quoted in McCrady, ii., 183-4.

blunders, with a stream of black laborers who would, before the eighteenth century was more than a third spent, cause the Carolinians to take thought of the consequences they were preparing for their children, if not for themselves. What a page of history, this story of men's avarice riveting upon the necks of their descendants such heavy chains, to hang there for how many centuries after the shackles should be struck from their slaves, who shall dare to prophesy!

The combination of immediate interests was very strong. The planter saw in the negro a means, and the only means, by which he might quickly become rich—and how good and comfortable it is to be rich and give to one's wife and little ones the world's pleasures and bounties, to found a family and leave it safely provided for indefinitely into the future! The colonial trader, keen, alert, and still more avid than the planter in the race for wealth, saw his opportunity and stimulated the trade by exciting the cupidity of the English merchant with stories of "a monstrous price," "cannot supply one-third the demand," and "planters full of money." Laurens writes, May 22, 1755, of news that there are twelve sail in the river at James Fort (Gambia) and seven or eight expected, and not slaves enough for all, and that prices in Carolina are good, "as our indigo planters are in great want." In view of such circumstances, he predicts at another time "a glorious sale." The English merchant, needing only the information and opportunity, had the backing of his government, which repeatedly at his demand vetoed attempts of the colonies to check the flood when they began to perceive its danger.

Gambia slaves were the favorites. Gold Coast negroes were highly valued,<sup>1</sup> and Angola slaves brought very good prices; but those from Calabar, Laurens writes, September 6, 1755, "are quite out of repute from numbers in every cargo that have been sold with us destroying themselves." The frequent suicides among Calabar slaves indicate the different degrees of sensitive and independent spirit among the various negro

<sup>1</sup> Laurens to Wragg, July 13, 1764. Historical Society of Pennsylvania MSS.

tribes. Slave suicides sometimes followed inhuman treatment or other emotional strain, but rarely. A case of suicide to avoid a whipping, in 1860, is recorded by an overseer in terms suggesting that such instances were expected occasionally.<sup>1</sup>

If the tracing of negro genealogy were possible, it might throw interesting light on the tribal ancestry of negro leaders, good and bad. So long as the various types remained pure, some at least could be readily distinguished, as is proved by the owner of a runaway stating, as a means of identification, in an advertisement that she was "an Angola girl."<sup>2</sup>

During the same year (1755) Laurens writes that there is a ship from 'Calabar in the harbor with 190 slaves on board undergoing quarantine, and that if other slaves come in before these are released, the owners of the first lot will suffer great loss, as people will not have Calabar negroes if they can get any other.

The preference for slaves direct from Africa was strong, as those from Spanish colonies incited others to escape, particularly to Florida, and often those from other English colonies had been sent away for crime or sold by their masters on account of bad qualities.<sup>3</sup> A discriminating tax was accordingly imposed upon their importation.

The price of slaves bore a direct relation to the prices of rice and indigo, just as to-day wages tend to go up or down with the price of the product. Thus we find Laurens writing, June

<sup>1</sup> *Documentary History of American Industrial Society*, ii., 94. I have been told of another case by a highly reliable lady acquainted with the facts. The work just cited (ii., 127-40) has a minute description of the various tribes of negroes and their qualities, written in 1803 by an experienced British West Indian planter for the guidance of purchasers. Negro slaves, Indian slaves, ancient white slaves, and modern white indented servants show that the master class has always been ready to use any material that served his purpose. An odd illustration of the same is supplied by an advertisement in the *South Carolina Gazette* of May 10-17, 1740, of a runaway, "an East India Man Slave, . . . almost as black as a Negro, has long hair."

<sup>2</sup> *South Carolina Gazette*, Aug. 8-16, 1740.

<sup>3</sup> E. g., in 1822, twenty-two slaves were ordered to be sent from the State of South Carolina for complicity in the Vesey plot and the masters of nine more were recommended by the court to take the same course.

28, 1755, that the indigo planters made such demand that on "the 24th current" we sold a great many men at £40 sterling and a few at £290 currency—prices that have not been heard of for many a day for Angola slaves. On August 30 he writes that he had got "£24 sterling round" "for the most mangy creatures that were ever seen." Some new slaves sold that year for £300 currency, and even as high as £45, *i. e.*, £315 currency. Notice accordingly that he tells us that indigo at this time was some days selling at a milled dollar a pound, which was considered a very high price.<sup>1</sup> The prices of slaves in 1755 were good in comparison with the past; but they continued steadily to rise and were never higher than immediately before the War of Secession. Laurens speaks in 1755 of selling two in Georgetown for £570 currency, *i. e.*, at the rate of £285 a piece; but he thinks this is too high. In June of the same year he writes, "We sold the good men at £270 and £280, and two so high as £290." They "will average upwards of £33 sterling." Of another cargo of 243, he says, June 24, 1755, that it will foot up £57,656 currency, an average, he states, of £33, 17s. 1d.<sup>2</sup> He states about the same time that good slaves were selling at £45 sterling. The slave trade was very brisk at this time, Laurens's letters being full of it. Austin & Laurens were unable to supply one-third the demand of their customers. The average price for a lot (young boys and oldish men included), June, 1764, was £315 to £325 currency, and a little later a cargo, not the best, "averaged £39-19/stg. a (@?) 721 per ct. Exchange" (*i. e.*, £287 currency). For a fine fellow fresh from Africa Laurens paid about April 17, 1764, £320 currency. July, 1765, new Gold Coast women brought £240-£250 currency a head, and new slave men (tribe not stated) £303 a head.<sup>3</sup> In 1768 "common plantation slaves, likely and young, sold . . . from £450 to £550 currency."

<sup>1</sup> Letter of July 4, 1755.

<sup>2</sup> In a later letter he says £57,556, or an average of £33 15s. 6d. sterling. The figures in the text would indicate that the exact ratio of currency to sterling at that time was 701 to 100; those in this note, 700.8 to 100.

<sup>3</sup> Laurens to Joseph Brown, June 28 and 29, 1764; to Stuart, September 13, 1764; to Elias Ball, July 15, 1765, and to Joseph Brown, July 24, 1765, all in Historical Society of Pennsylvania MSS.

After being disposed of in "the negro yard," they might be taken direct to the plantation of the purchaser or might be traded in for profit, as it appears that this feature of the slave economy was early developed, and as might have been expected, its cruelty also came into early evidence.<sup>1</sup> On being sent to their permanent abodes, they were given names, frequently high-sounding ones, like puppies or colts. *E.g.*, Laurens sends eleven up to Mepkin plantation with the names Othello, Goodson, Tully, Mentor, Valerius, Claudius, Juliet, Lavinia, Rachael, Matty, and Melissa.<sup>2</sup>

The horrible cruelty involved in transporting the slaves from Africa has often been described. Under the best captains it involved a brutality which no civilized nation would tolerate to-day; but these facts made little appeal to eighteenth century consciences and led few indeed of the after purchasers to consider that any of the responsibility reached to them. When the smallpox, fever, or dysentery broke out, as they sometimes did, on the little vessels with their 200 to 250 black prisoners, each wedged into a space narrower than a coffin<sup>3</sup> below a three- or four-foot ceiling and slimy with the excrements of nature and disease, the fetid vapors rising visibly through cracks in the deck, the loathsome agony might have supplied Dante with material for a cycle of the *Inferno*. The smallpox "was imported in a ship from Guinea" in 1738.<sup>4</sup> It was carried both into the town and country by the infected negroes and made such fearful ravages "that there were not sufficient number of persons in health to attend to the sick, and many persons perished from neglect and want." How soon and how

<sup>1</sup> "I have been largely concerned in the African trade. I quitted the profits arising from that gainful branch principally because of many acts from the masters and others concerned towards the wretched negroes from the time of purchasing to that of selling them again."—Laurens to William Fisher, November 9, 1768.

<sup>2</sup> Letter to overseer, June 11, 1764, in Historical Society of Pennsylvania MSS.

<sup>3</sup> This expression and the other details are taken from the testimony in a Parliamentary investigation quoted in a charge to the Grand Jury by Judge Story. *Cf. Story's Life of Judge Story*, i., 334, *passim*.

<sup>4</sup> McCrady's *South Carolina under the Royal Government*, 180, 423.

fearfully the negro, whom his vendors wished to regard as merely an economic commodity, was refusing to confine himself to this and was beginning to inflict his long revenge! Laurens speaking in 1755 of Calabar slaves then in the harbor says, "these also have the same distemper" (smallpox), but it does not appear to have spread to the shore. A slave ship in the harbor with smallpox on board and bound from Jamaica to Georgia, is mentioned in the *South Carolina Gazette* of March 13-20, 1755, whether the same or not I have not inquired. In January, 1763, the disease was spreading dangerously around Charleston and up the river.<sup>1</sup>

Slaves were taxed along with land and merchandise in the ordinary internal tax bills, but without any intention of discrimination or repression. From an early date there was also a port duty, but this generally was only for revenue and was so low as to exercise no restriction. On four or five occasions, however, during the colonial period prohibition was enacted: during the years 1717-19, 1741-4, 1746-9 (?), and 1766-8, under the guise of a prohibitive tax, and in 1769-70 by the non-importation association; and the Commons House of Assembly unsuccessfully attempted a prohibitive tax also in 1761.<sup>2</sup> The rest of the time the trade was open under moderate revenue duties. The history of these enactments is as follows:

In 1703, as part of the general duty law which was to remain in force for two years for paying the expenses of the St. Augustine expedition, a tax of 10s. sterling was imposed upon all negro slaves direct from Africa, children under eight years old excepted, and twice that amount on those imported from any other place.<sup>3</sup> The next year this act was extended to May 10, 1707, to pay for fortifications, ministers' salaries, etc.<sup>4</sup> The duties continued on a moderate revenue basis for almost

<sup>1</sup> Laurens to James Lawrence, Jan. 7, 1763, in Historical Society of Pennsylvania MSS.

<sup>2</sup> For citations of statutes see long note below. There is nothing to indicate that the tax of 1746-9 was vetoed, but circumstances which will be noted a few pages further on surround this case with some difficulty. On the 1761 case and one said, I believe erroneously, to have occurred in 1760, see below, p. 84, n. 1. <sup>3</sup> S. C. Stat. at Large, ii., 201. <sup>4</sup> *Ib.*, 247.



forty years, except for the prohibitive duty of £40 currency during 1717-19. In 1719 the duty was placed at £10 currency with the mild hope of discouraging importations, but the unchecked decline during the next fifteen years in the value of the colonial paper money robbed this of any effect and only resulted in a comfortable revenue. A heavy discrimination was assessed against negroes from other colonies, as it was found that such were often sold away because of crime or worthlessness, but to the laborer straight from Africa no objection was interposed.<sup>1</sup>

<sup>1</sup> The details of import duties on negroes from 1707 to 1740 are as follows:

July 12, 1707, an act, the original of which is lost, was passed "to continue the imposition on liquors, &c." (*Ib.*, 308) for a period of four years, thus carrying it up to the summer of 1711, when an additional duty was imposed. The duty act was continued successively to the summer of 1716, thus bringing the comparatively low rates down to that date. (*Ib.*, 354; iii., 66).

June 30, 1716, was passed a new act which increased the rate considerably. It must be remembered, however, that the duties were now assessed in "currency." This colonial paper remained equal to sterling for about four years after its first issue in 1703 but afterwards depreciated rapidly, and by the '30's had about settled at its permanent level of about 7 to 1. By the act of 1716, on all slaves direct from Africa who had reached ten years of age a duty of £3 currency was charged; but if they had been "in any of the colonies of North America" for five months, the rate was to be £30. This law was to be of force for three years and, as was generally the case, until the end of the next session of the Assembly. (*Ib.*, 651.) In December, 1717, to meet extraordinary military expenses, many additional temporary duties were imposed, the duty on slaves over ten years old being increased by £7. (*Ib.*, iii., 28-30.) The same day there was passed an act intended to check the influx of negroes by imposing, from that day, for four years and until the end of the next session of the Assembly, an additional duty of £40 currency on slaves of all ages. (*Ib.*, vii., 370.) These laws of 1716 and 1717 remained in force until repealed by the act of March 20, 1719 (yr. N. S.), which revised the entire duty system, and repealed the previously existing schedules, naming the various acts specifically from 1703 down. (*Ib.*, iii., 65.) By the law of 1719 negroes direct from Africa, unless under ten years old, were taxed £10, and all who had been six months in the plantations, £30. Notice, however, that the great fall in the value of paper money, in which taxes were paid, discounted the apparent increase in the rate. In 1734 currency was worth only one-fifth what it had been twenty-one years before. (So stated the Statutes at Large, South Carolina,

September 9, 1739, South Carolina received the first tragic warning of the perils and problems which her inconsiderate grasping for cheap labor was creating and in her terror she called a brief pause—a very brief pause—in the headlong Africanization of her population. On that date there was an insurrection of negroes near Charleston in which upwards of twenty white persons were killed. In the alarm lest the great number of negroes should lead to a fearful massacre, the Assembly on April 5, 1740 (O.S.), in the extensive general duty law then enacted for five years, continued the old duty of £10 on all negroes four feet, two inches in height, and £5 and £2½ respectively on smaller ones for fifteen months (sucking children excepted, as usual), and for three years, beginning July 5, 1741 (O.S.), a duty of £100, £50, and £25, according to size. This was intended to be prohibitory, and in fact was.<sup>1</sup>

iii., 377.) This act of 1719 was disallowed by the Lords Proprietors and constituted one of the immediate causes of the Revolution in which their government was overthrown. It went into operation nevertheless and brought in a fair revenue; for by act of February 12, 1720, the triumphant Assembly declared of full force this along with certain other acts disallowed by the Proprietors. (Statutes at Large of South Carolina, iii., 103. See also *Ib.*, 149 *et seq.*, the act of September 20, 1721.) All existing duties were superseded by an elaborate act passed for two years, September 21, 1721, which placed a duty of £10 and £5 on all negroes direct from Africa, according as they were above or below ten years of age. "Whereas," says this law, "it has proved to the detriment of some of the inhabitants of this province who have purchased negroes imported here from the colonies in America that they were either transported thence by justice or sent off by private persons for their ill behavior or misdemeanors," this danger was guarded by raising the duty on negroes who had been six months in any other plantation to a well-nigh prohibitive figure. (*Ib.*, iii., 159.)

This act of 1721 was superseded by a new law two years later, though the rates on most commodities remained the same. (*Ib.*, iii., 193.) The only change in the negro schedule was the addition of the unheard-of figure of £150 on Spanish slaves. The negro duties continued apparently at the rates laid in 1723, producing about £8500 currency per annum, until the autumn of 1739, when the existing law seems to have lapsed, its place being taken by the new prohibition policy of 1740. The facts for the obscure period 1723-39 are to be found by a careful examination of the South Carolina Statutes at Large, particularly iii., 193, ii., 270, the years 1727-30, ii., 334-41, iii., 301.

<sup>1</sup> *Ib.*, iii., 556. In order to avoid the appearance of an import duty,

Slaves from other colonies were to pay £50 in addition to the above. A new feature, emphasizing the growing fear of a preponderating black population, was the provision that the proceeds of the negro duty were to be used in aiding poor Protestant settlers from Europe, with the aim, the law declared, of preserving a proper proportion between the free and slave inhabitants. The prohibitive duties expired July 5, 1744, but this was of no significance, and was perhaps permitted because the outbreak of naval war by Spain and France in 1739 and 1743 respectively against England rendered the negro trade impracticable.<sup>1</sup> April 16, 1746, the provisions of 1740 were revived for five years,<sup>2</sup> thus putting the negro duties in force again, £10 for fifteen months, followed by £100 for three years.

We have already alluded to the eagerness with which negroes were imported immediately after the removal of these hindrances of law and war, Laurens stating in England in 1749 that he had a letter, written evidently in anticipation of the reopening of the trade, saying that they would sell at a monstrous price. A ship load from Africa arrived June 5, 1749, another in August, and after that they came thick and fast.<sup>3</sup> The general duty law of 1751 simply reënacted the £10, £5, and £2½ duties, with the £50 additional in discrimination against those from a colony; and this remained the law except for brief intervals until the Revolution.<sup>4</sup> It was under its mild

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which had been objected to by the King on the request of the British merchants, the burden was laid in the form of a tax of £100, and so on, upon the person first purchasing the imported negro.

<sup>1</sup> Cf. Governor Glen's statement p. 72 above.

<sup>2</sup> *Ib.*, iii., 670.

<sup>3</sup> *South Carolina Gazette*, July 5-12, 1749, etc. These 1749 arrivals indicate that the prohibitory duty reënacted April 16, 1746, expired in the summer of 1749—a supposition which meets the requirements of the dates if the renewal of the law of 1740 was to date from 1745, but presents a very puzzling contradiction if the renewal dated only from April 16, 1746.

<sup>4</sup> Enacted for ten years and until the end of the next session of the Assembly, the general duty law of 1751 expired with 1761, but was renewed in 1767 for five years. In 1772 it expired in the legislative deadlock over the Wilkes fund, to the great injury of the public interests, since there could

provisions, excellently conceived as a revenue measure, that the booming trade of the first great period of slave importation flourished from 1750 through 1765. The abounding prosperity which resulted could not lull the fears of certain men who insisted on looking further into the future, and in 1761 they passed through two readings in the Commons an additional tax of £70 currency, which seems, however, to have died in the Council.<sup>1</sup> The agitation continued unabated in the face of the expanding settlement of the back country following the Indian war of 1761, and was finally successful in 1764 in enacting that during the three years, 1766, '77 and '78 there should be paid a prohibitive additional duty of £100 currency.<sup>2</sup>

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then be neither internal nor external taxes collected. "And, Mr. Speaker," said Christopher Gadsden on this occasion, "if the Governor and Council don't see fit to fall in with us, I say let the general duty law and all go to the devil, and we go about our business"; and so it was done. (Josiah Quincy, Jr.'s, *Journal*.) Next to the last act passed under the royal government was one reviving, among many laws, this one for one year. For the slave trade after the Revolution see below, pp. 92-3.—Statutes at Large, iii., 751; iv., 332; *South Carolina Gazette*, July 6, 1769, quoted by McCrady, ii., 379.

<sup>1</sup> *Commons Journal S. C. (MS.)* for 1761, pp. 137 and 209. William Burge, *Commentaries on Colonial and Foreign Laws* (4 vols., London, 1838), says, i., 737, n.: "In 1760 South Carolina passed an act to prevent the further importation of slaves, but Great Britain disallowed the act, reprimanded the Governor for having passed it, and sent a circular to all the other governor's prohibiting them from assenting to any similar act." Neither Burge nor Bancroft, who relates the same thing, cites any authority. I have diligently searched the legislative and executive records of South Carolina and find no reference to any such act.

<sup>2</sup> *South Carolina Statutes at Large*, iv., 187-9. Cf. the following very significant extract from a letter of Laurens to Messrs. Rossel and Gervais, September 4, 1764, who were in the Ninety-Six country looking over lands from themselves and Laurens. He says that he shall wait awhile before taking up his family rights of land:

"An impolitic partial act which has been for some time in agitation & is at length passed into a law to prohibit the importation of negroes has made me the more indifferent about that matter in the present juncture, for I am almost certain that if that law is approved of or not repealed in Britain, vacant lands will abound in the year 1767 more than they do in the current year."—Historical Society of Pennsylvania MSS.

How different Laurens's views became later on this rapid development of

Laurens writes a lively account of the passage of this law to his friend George Appleby.<sup>1</sup> He expresses the hope that the King will interpose his veto. He himself "spoke boldly against it and made use of arguments and introduced proofs which could not be controverted. Nevertheless the law being artfully introduced did pass, and I may say was crammed down in the latter end of the session after other business had been rejested for no other reason but because it was the latter end of the session and many members gone home. Our once neighbor Brailsford acted two droll parts upon this occasion; first in voting and whispering strenuously for the bill and afterward when I told him that I hoped that he intended to sell no more negroes at the crisis,<sup>2</sup> he retired from the house and withheld his vote, as if his patriotism and his interest were in strong debate. He may nevertheless be very honest and the error lay in my want of perception.—Mr. Smith was its father and carried his point as he generally carries all points in which he succeeds; assertions too often are substituted by him in place of argument and proof; but this must be said for him: that his declarations out of doors and in were uniform."

Evidently in the eyes of the practical and prosperous Colonel Laurens, the majority in the Assembly were a set of ninnies, though he is open-minded enough to do justice to Mr. Smith, the father of the bill. A very gratifying situation Mr. Benjamin Smith, representative for St. Philip's Parish, was creating for himself, taking his stand in a niche in history as the father of the prohibitory bill, though he himself was a merchant; the same Assistant Judge Smith who helped annul the Stamp Act and was found an earnest supporter of schools.<sup>3</sup>

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"precarious riches" as contrasted with a slower and surer development by encouraging the immigration of small white farmers, and on the whole subject of slavery, will appear in Chapter XXVI.

<sup>1</sup> October 18, 1764.

<sup>2</sup> *I. e.*, I understand, just at the last of the open season when the prices would be very high.

<sup>3</sup> I have identified him as Benjamin Smith from the MS. records of the Assembly, also from *South Carolina Gazette*, October 9-16, 1762.

Some three years later, when the close of the period of restriction was approaching, Laurens writes, January 28, 1768, that the day before the motion to continue the prohibition beyond 1768 was lost. He attributes the enactment of the measure to mercenary motives accompanied by misrepresentation and insincerity and the refusal to continue it to the same self-interested aims. "The folks," he writes, "who played cat in pan<sup>1</sup> to get the duty laid to suit particular purposes and now want to serve the same purposes by taking it off kept out of the way—for obvious reasons." It would thus appear from Laurens's account that there was not at any time a majority in favor of prohibition on its merits, but that some financially interested men, by giving their votes in 1764 and withholding them in 1768, turned the scale to serve their own profits. There seems to be no reason for doubting the correctness of his explanation. The brief restriction had no perceptible effect in diminishing the proportion of negroes in the population. Immediately before and after the closed period traders glutted the market, seeking the huge profits so generously created for them—an instructive early instance of the benefits of a properly manipulated tariff. It will be remembered that this, like the law of 1740, gave more than a year's notice to the planter, the factor and the English "African merchant." Equity and good policy doubtless pled strongly for a fair chance for the adjustment of mercantile and agricultural operations to the new arrangement; but Laurens was probably correct in thinking that the greed of certain merchants played a larger part. During the year 1765, in anticipation of the high profits just before the prohibition, 7184 were imported, *i. e.*, almost a third as many as in the nine years previous.<sup>2</sup> As the expiration of the closed season drew near the traders again prepared to gorge themselves on the profits the law had provided. How inviting was the prospect is

<sup>1</sup> "A cat in the pan, a falsehood given out as coming from one who did not originate it."—Century Dictionary.

<sup>2</sup> The *Gazette* for July 6, 1769, gives the importations for 1765 as 6701; but in a careful review of the period from January 1, 1753, to May 1, 1773, the same paper for May 31, 1773, says 7184.

suggested by a passage from a letter by Laurens, January 28, 1768:

Common plantation slaves, likely and young, sold lately at a very large sale from £450 to £550 currency. I gave some time ago for (a forty-five or fifty year old man who was good with rice and indigo) £600.

Loads were shipped off to Carolina even before the expiration of the time. Laurens writes, December 24, 1768, a week before the hoped-for day, that there were a hundred and fifty negroes from the West Indies waiting in the harbor for January 1st and he expects that there will soon be many more; and, he adds, "The planters are full of money." Many a merchant in England and South Carolina "blessed his maw destined to that good hour" (an hour some of them had helped to make a good one) with as self-satisfied a chuckle as a tariff beneficiary playing the same old game in the twentieth century. During the first eleven months of the year 1769 the importations reached 5438.<sup>1</sup> The *South Carolina Gazette* exerted itself against these immense importations. Editor Timothy on July 6, 1769, after stating the numbers, remarked in italics:

*"This scarcely needs comment; every man's own mind must suggest the consequences of such enormous importations."*

The prevalence of Timothy's view is witnessed by the fact that the non-importation association was immediately amended so as to forbid the importation of negroes from Africa during the year 1770 and of those from other places for the fifteen months beginning with October, 1769.<sup>2</sup> After the failure of the non-importation association movement the flood mounted higher than ever, in utter disregard of the repeated warnings of Timothy's *Gazette* or any consideration save that of immediate profit. The first five months of 1773 saw the unprecedented number of 11,641. An examination of the records since January 1, 1753, when the trade was mounting to the proportions called for by the rapidly pushing development of

<sup>1</sup> Governor Bull's report of December 6, 1769, in *Public Records of South Carolina, MS.*, xxxii., 129. The *Gazette* of May 31, 1773, says 4612 for the year 1769.

<sup>2</sup> *South Carolina Gazette*, July 13, 1769.

the colony's resources, down to May 31, 1773, revealed the fact that the importations for those twenty fateful years had been 55,606,<sup>1</sup>—another illustration of the destiny-making character of the mid-eighteenth century for the political, economic, and social life of South Carolina. What the colony was made then, the State is to remain essentially for centuries.

Laurens is found sneering at some who, in 1764, helped to impose the three years' prohibition; but his frank acknowledgment of Smith's sincerity and his sneer, January 28, 1768, at those who sought first for restrictions and later for free trade for the sake of their own pockets, might indicate a certain tolerance towards the idea of prohibition, even though he still strongly opposed such a law. Certainly his opinion was gradually undergoing a change. As early as March 19, 1763, we find him condemning, to his Moravian friend John (afterwards Bishop) Ettwein, both the slave trade and slavery, the latter particularly in its effect on morals.<sup>2</sup> On May 25, 1768, he writes that the importation of negroes will reopen in 1769, but he is not yet "resolved in my own mind whether to enter upon that trade or not." He had, in fact, dropped out of it about 1762 or '3, before compelled by law, on account of the cruelties beyond his control which he witnessed. Only once that I have discovered did he break his resolution, when in 1764, he consented after strong pleas, "for some very particular considerations," to sell an incoming cargo.<sup>3</sup> No doubt

<sup>1</sup> *South Carolina Gazette*, May 31, 1773. McCrady, ii., 379-81, appears to have confused these dates and figures in several instances. It is also to be noted that the figures in the *Gazette* for May 31, 1773, are inconsistent with its figures of July 6, 1769, and Bull's figures of December 6, 1769. Probably the editor in his statement of 1769 overlooked some cargoes which he included in his more careful review of 1773. Bull's figures are higher than the *Gazette's*, but as there are several points in favor of Bull, I conclude that his figures are at least approximately correct.

<sup>2</sup> Historical Society of Pennsylvania MSS.

<sup>3</sup> Laurens to Martin, June 10 and 27, 1764, and to Wragg, September 19, 1764, in Historical Society of Pennsylvania MSS., and to Fisher, November 9, 1768. February 6, 1772, Laurens wrote his brother James from London that he was declining offers in the slave trade and that he has already given up thousands of pounds which he might have accumulated in that way.



the unsettling of old opinions and the gradual emergence of new in himself and a few others during these years led to conversations which would be interesting in the history of American thought. The glimpses which we catch show that there was more said than has come down to us. The example of Laurens's own brother James and of his friend "good old Mr. Manigault," neither of whom would ever engage in the traffic, could not have been without effect.<sup>1</sup>

A strong light is thrown upon the common opinion regarding slavery by the way in which as bold a man as Laurens shrank from the public exposure of his views. In 1769 in a bitter controversy in which both contestants did their utmost to discredit each other, Egerton Leigh charged Laurens with being a self-righteous hypocrite who abandoned the slave trade from "goodness of heart," the basis for which statement Leigh not improbably derived from the confidential relations in which he had previously stood with his antagonist.<sup>2</sup> Laurens replied,<sup>3</sup> that he abandoned that branch about six years before, in spite of an abundance of the most lucrative offers, because he had no partner, business was too heavy, and he was not seeking to embrace every gainful occupation, and that the statement that he did so from motives of goodness was a falsehood.

The warmth and the motives with which this charge was preferred and the denial made are very expressive of the opprobrium which a Charleston merchant, in 1769, would have incurred by professing to consider the foreign slave trade an immoral or inhuman institution. I think it certain that Laurens was led in the ardor of controversy, in circumstances

<sup>1</sup> James Laurens writes his brother Henry, July 8, 1773, that he has received very advantageous offers in the Guinea trade, but that, besides the risk of taking up a new line, "Be that as it may, I disapprove and will have no concern in the Guinea trade. You may remember I refused it in the year 1767 when you were so kind as to make me an offer of your interest in that business, and thank God neither my circumstances or inclination make it more necessary to engage in new concerns now."

<sup>2</sup> Besides being a friend, Leigh had married the daughter of Laurens's sister Mrs. Bremar.

<sup>3</sup> *Extracts from the Proceedings of the Court of Vice-Admiralty*, 2d edition, p. 56.

in which he would be loath to offend the public to which he was appealing, to suppress part, if not the essence, of his reasons for withdrawing from the trade; for not only does his letter to his friend William Fisher, of Philadelphia, November 9, 1768, plainly show that goodness of heart did have a great influence in his decision, but many other facts point to the same conclusion. In denouncing the treatment of certain Irish immigrants imported into South Carolina by a business man for the sake of the bounty, he says:

If you knew the whole affair, it would make your humanity shudder. I have been largely concerned in the African trade. I quitted the profits arising from that gainful branch principally because of many acts from the masters and others concerned towards the wretched negroes from the time of purchasing to that of selling them again, some of which though within my knowledge, were uncontrollable;<sup>1</sup>

and so on, with an emotion which shows him to have been deeply moved by cruelty of any kind.

In speaking of the same matter to different persons on different occasions and from different standpoints, one may present various sides of the same thing with varying degrees of emphasis on different aspects, without being guilty of deception or even of suppression of facts. Doubtless the difficulty of doing an extensive business without competent assistance and the comfortable feeling of plenty did play their part; but a merchant seeking to lighten his labors would hardly begin by dropping his most profitable branch; and it is plain that revulsion at the cruelties of the slave trade exercised a strong influence, if not the strongest, and in his denial of this in the Leigh controversy Laurens falls below his usual frankness worse than in any other instance of which I am aware.

Though Laurens refused after 1762 or -3 to trade in slaves, he did not parade his resolution as a virtue in the faces of his associates nor even refuse, as late as 1772, to help younger men to such engagements and to direct them how to make good sales.

Much has been said regarding the relative guilt of New

<sup>1</sup> Letter-book copyist's blunder, doubtless.

England and the South in fixing slavery, through the instrumentality of the foreign slave trade, upon the country. The men of the eighteenth century, with few exceptions, looked upon the traffic as perfectly legitimate, and those who seek to shift responsibility from the shoulders of their Southern forefathers will discover from the expressions of those whom they seek to defend, even at a much later date than that of which we are speaking, that they felt no compunctions at doing all they could to promote the traffic and would doubtless resent the attempt as implying turpitude in what they openly practiced. I know nothing definite of the extent to which the New England traders pushed their business in South Carolina during the eighteenth century. Laurens wrote in 1763 to Ettwein, a firm opponent of slavery, "We see the negro trade much promoted of late by our Northern neighbors who formerly censured and condemned it."<sup>1</sup> The traffic, coupled with the manufacture of rum for purchasing the negroes, was a vast source of wealth and honeycombed New England from a very early date far into the nineteenth century. Rhode Island by her very laws fostered the business, and many of her "best people" were steeped "up to their very mouths" in the hideous slough of rum and negro selling.<sup>2</sup> The traffic extended from New Hampshire to Georgia, and every colony profited by its various phases to the extent of its ability. Representing South Carolina as the preëminent eighteenth century slave market is an exaggeration, as is proved by the number of slaves found in 1790 in the four great slave owning states: Maryland, 103,036; Virginia, 292,627; North Carolina, 100,572; South Carolina, 107,094.<sup>3</sup>

The state of opinion in the years following the Revolution was the least favorable to the continued growth of slavery

<sup>1</sup> Laurens to John (later Bishop) Ettwein, March 19, 1763, in Historical Society of Pennsylvania MSS.

<sup>2</sup> Du Bois, 27-38.

<sup>3</sup> "Heads of Families," *United States Census, 1790*, Volume on Virginia, 8. The total population of the four States respectively in 1790 was 319,728; 747,610; 393,751; 249,073. South Carolina had 1801 free negroes; Virginia, over 12,000.

ever seen in South Carolina during the existence of the institution. To the strong spirit of philosophical liberalism there was added in the years immediately following the war the fact that prostrate industry did not call for new laborers. Up to 1810 there were many manumissions; but in this respect South Carolina was much behind the other great slaveholding States, Virginia, Maryland, and North Carolina.<sup>1</sup> Importations decreased. The number of negroes imported into South Carolina in 1783 was only 1003; in 1784, 4434, in 1785, 2768, in 1786, 523, a total for the four years of 8737, only 1553 more than for 1765 alone, and 2904 less than for the first five months of 1773.<sup>2</sup> In 1783 a duty of £3 sterling was imposed and in 1787 the importation of negroes was forbidden.<sup>3</sup> But soon there was a shifting of both opinion and interest, the former responding to the latter, and, in spite of the opposition of a strong minority, on December 17, 1803, the Legislature opened the foreign slave trade for the full limit that they were able, *i. e.* for the four years, 1804-7.<sup>4</sup>

This only marked the triumph of a trend of opinion long in progress; for some years the illegal traffic, by New England ships, had grown to immense proportions and almost scorned concealment.<sup>5</sup> During this time when the trade was kept open by South Carolina, Rhode Island took a very prominent part. In 1820 Senator William Smith, of South Carolina, secured through the Collector of the Port of

<sup>1</sup> "Heads of Families," *United States Census of 1790*, Virginia, 8.

<sup>2</sup> An unsigned paper in the Laurens MSS. in the Long Island Historical Society marked "General Abstract of the Debt of the State of South Carolina from January 1783 to January 1787."

<sup>3</sup> Statutes at Large, v., 38, and vii., 430. On the condition of opinion, see *The South in the Building of the Nation*, ii., 469.

<sup>4</sup> *Ib.*, vii., 449-51; Von Holst, i., 317. As an index of opinion, we may notice the fact that in 1856 Governor Adams, in his message to the Legislature, strongly urged the reopening of the foreign slave trade by Congress, and the special committee of six to whom the matter was referred approved the plan by five to one, J. Johnson Pettigrew submitting a minority report to the contrary. The movement was widespread throughout the South.—Du Bois, 176-8.

<sup>5</sup> Du Bois, 85-6.

Charleston a list of every slaver entering that port during those years, with the residence of the owners of both ship and cargo and the numbers of slaves imported.<sup>1</sup> Of the 202 vessels, 61 hailed from Charleston, 59 from Rhode Island, one from Massachusetts and Connecticut each, and 70 from Great Britain. Of the consignees, ten were natives of France; thirteen of Charleston; eighty-eight of Rhode Island, and ninety-one of Great Britain, and this is the matter of real significance; for the port from which a ship hails is no necessary indication of the residence or nativity of her owner. Of the 39,075 slaves imported during the four years, 21,027 came in British and French vessels<sup>2</sup> and 18,048 in American. Of those imported in American vessels, 5717 came in Charleston vessels but were imported by foreigners; 2006 in Charleston vessels and imported by native South Carolinians; 8238 in Rhode Island vessels, and 450 in the two vessels from Massachusetts and Connecticut.

After 1807 the Rhode Island trader kept up his activities. W. W. Story in his life of his father, Judge Joseph Story, says, speaking of the year 1819:

Slavery itself had hardly disappeared from New England, and the slave trade was winked at. A man might still hold position in society and claim consideration as a gentleman, nay, as a Christian, while his ships were freighted with human cargoes, and his commerce was in the blood and pain of his fellow creatures. . . . It is notorious that many large fortunes there (Rhode Island) and elsewhere were blood money of the slave trade, and owed their existence to the wretched cargoes that survived the horrors of the middle passage<sup>3</sup>.

Judge Story, in a charge delivered to the Federal Grand Jury of the United States Circuit Court in Boston, October, 1819,

<sup>1</sup> *Annals of Congress*, Sixteenth Congress, Second session, 1820-1, pp. 73-7. The speech was published in pamphlet form, from which the statistics were copied into the *Charleston Year Book* for 1880, pp. 258-63, where an error in the pamphlet of 300 too little for the slaves sent in by British vessels is reproduced. Eighty slaves which should be assigned to Rhode Island are left unassigned in the *Annals of Congress*.

<sup>2</sup> French only about 1000.

<sup>3</sup> Story's *Life of Story*, i., 335-6; cited in General Henry R. Jackson's pamphlet, *The Wanderer Case*, p. 28.

denounced the traffic being carried on from his district in New England; but his utterances were almost universally disapproved. "The newspapers of the day publicly denounced my father," says Mr. Story, "and one among them in Boston said that any judge who would deliver such a charge ought to be 'hurled from the bench.'" It is unnecessary to say that not one attempt was made by grand jury or public prosecutor to carry out his recommendations.<sup>1</sup>

These facts are not introduced to direct opprobrium toward any persons or sections, but in order that the reader may bear in mind the historic setting of the foreign slave trade. That it was a hideous and cruel thing is universally admitted; any man who to-day should be found in any way concerned in it would forfeit his standing among decent people (unless he had become very rich at it). But we must judge the men of the eighteenth century with some reference to the standards then current among respectable people. It is not quite true to say that "they lived up to their lights." No generation of men has fully done that. There have never been wanting at least the prudential warnings of a Peter Timothy, the silent condemnation of a Gabriel Manigault, or for long the clear and unequivocal voice of a John Wesley to declare that slavery was the sum of all villainies. But such were few indeed, and when Laurens in about 1763 resolved to drop the traffic, he took ground distinctly in advance of his times.<sup>2</sup>

<sup>1</sup> Story's *Story*, i., 347-8.

<sup>2</sup> Laurens said in 1769 that he had abandoned the slave trade about six years ago. See pp. 67, 88, and 89.

## CHAPTER VII

### EARLY PUBLIC LIFE AND THE CHEROKEE WAR, 1757-61

LAURENS was first elected to the Commons House of Assembly in 1757 and continued to be reelected, one occasion excepted, until the Revolution.<sup>1</sup> He was now a prosperous young business man of thirty-three. His political opinions before this we find marked by the same qualities which were to mark them to the end: a reasonable conservatism and a comprehensive patriotism which looked beyond any "partial benefit" to any one section. As a rather sage youth of twenty-three he wrote to his friend Rev. St. John: "The people of this province are generally very fickle, especially as to Governors spiritual or temporal, soon pleased and soon disgusted."<sup>2</sup> The common danger from the French and Indian war, which drew from Franklin his Albany plan for permanent union, made the same appeal to Laurens as to the most statesmanlike minds throughout America. This continental breadth and liberality of view characterized him from first to last, but he was always conscious of the difficulties which colonial particularism interposed. He wrote, August 20, 1755:

Were the several Provinces to unite their strength, we should be able to do anything; but this depends upon such a diversity of opinions as the several Assemblies consist of that we shall despair of seeing a hearty coalition untill an apparent danger of the whole shall drive them to the necessity of it.

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<sup>1</sup> *MS. Journals of the House*, rolls; Laurens's own statement in the Tower of London. When elected in 1773 he resigned, because of uncertainty as to when he should return from England, where he then was.

<sup>2</sup> Laurens to St. John, November 11, 1747.

We recall that the Commons House was in 1756 just gaining the monopoly of the correspondence with the colonial agent and vindicating its power to control his election. Laurens's sympathies in this were with the popular party; for we find him writing in 1755 that he hopes "we shall in all probability get the better of the Council." They had made good their power of controlling money bills, and so firmly were they determined as the representatives of a free people practically to govern themselves in all respects that the more aggressive element were raising the question whether the Council was in any sense a house of the Legislature. The spirit of self-reliance and self-government was not to undergo any essential change; but many new and important occasions for its exercise were to arise during the next fifteen years. In becoming a member of this body Laurens entered one of the best schools then in the world in the theory and practice of government.

Entering public life during the French and Indian war, whose importance and significance he so well understood, before it was over Laurens gave his services in the field as Lieutenant-Colonel of the regiment which South Carolina raised to co-operate with the British regular troops against the Cherokees. The earnestness which he manifested by going as far as into North Carolina with subordinate officers in recruiting men continued to the end of a dangerous and trying campaign.<sup>1</sup>

South Carolina's relations with her most powerful Indian neighbors, the Cherokees, were for a long while peaceful. So long as the whites had remained confined to the coastal plain they supplied the Indians with trade and protection in their unmolested homes seventy-five or a hundred miles to the northwest. Hence boundary or other disputes were not likely to arise. A sort of treaty or alliance was formed by Governor Nicholson with the Cherokees in 1721, by which it was agreed that the two races should not intrude upon each other; but we are unable to locate where, according to Hewatt writing in 1779, he "marked the boundaries of the lands between them and the English settlers," or indeed to feel certain

<sup>1</sup> *South Carolina Gazette*, February 7, 1761.



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that he established any definite line at all. In 1730 a number of Cherokee chiefs went to England and formed a treaty with the King which secured peace for many years, but it contained no grant of land and defined no boundary. The nearest approach to anything of this kind was that they assured George III. that his people might settle near the Indians without fear of molestation.<sup>1</sup> The warriors, immensely impressed with the splendor and power which they witnessed in London and not knowing the white man as well as they came to know him later, were very docile and faithfully bound one end of the chain of friendship to the breast of King

<sup>1</sup> Logan, i., 394; McCrady, ii., 102. S. C. records omit text of 1730 treaty.

I am indebted to Professor W. W. Carson for the following interesting information on the mysterious lost "second volume" of Logan's *History of Upper South Carolina*, Logan's failure to complete which is a very serious loss to students of the State's history:

Vol. 16 *Sumter MSS.* "A large portion of this volume consists of a transcript of materials collected by Dr. John H. Logan, of which volume i. was published in 1859. Draper made a careful copy of at least most of Logan's materials."

This is a quotation from the classified catalogue of the *Draper MSS.* in Wisconsin Historical Society Library. At the bottom of the page I find the following note:

"The statement has frequently been made, that this is the original MS. copy for Logan's projected second volume. It is, however, but Draper's transcript of Logan's undigested data for the book, the completion of the work having been interrupted by the War of Secession. From the note appended to this transcript, we learn that about 1875-8, while collecting materials for his *King's Mountain*, Draper visited Greenwood, S. C., then the home of Logan. The latter appears to have lent the MS. to Draper, who later returned it to Dr. E. R. Calhoun, of Greenwood, father-in-law of Logan. Much curiosity has ever since been exhibited by South Carolina historians as to the whereabouts of the MS. of Logan's second volume, which was reported to have been prepared for the press, and it has been assumed that this MS. came into Draper's possession. We incline to the belief, however, that such was not the fact—that Draper saw only the raw material from which he made these excerpts, and that Logan proceeded no further with his enterprise."—*Wisconsin Hist. Society List of Manuscripts*, p. 76; edited by R. G. Thwaites.

Thus we see that, instead of Draper's having wrongfully dispossessed South Carolina of this valuable "second volume," as is very commonly supposed, we are indebted to him for preserving through his transcript all of which we possess.

George and the other to that of their chief in the far away Appalachians.

As the population of South Carolina expanded, the encroachments of the settlers tended to marauding and discontent; the cheating and lewdness of the white traders offended the Indians' interest and jealousy, and the French from the Mississippi were actively inflaming them against the English. The provincial government, generally speaking, handled the situation unskillfully. A good move, however, was the purchase by Governor Glen in 1753 of land for a fort, which was given the name of Fort Prince George, in the southwestern part of Pickens County in the fork of Six Mile Creek and Keowee River and a strip as broad as the fort from there to the Long Canes in Abbeville County.<sup>1</sup> The Indians evidently recognized the white man's tenure, based on mere occupancy, as extending up to Long Canes; but apparently they knew of no separating line running entirely across the province. The provincial government, aided by one hundred men sent by Virginia, built as the farthest outpost Fort Loudon on the Little Tennessee in the eastern part of the State of Tennessee, to serve the double purpose of protecting the Cherokees against their enemies and of holding the Cherokees themselves in check.<sup>2</sup>

<sup>1</sup> Logan, i., 496; Maps in Drayton; United States Geological Survey maps, Pickens quadrangle. The old errors about a boundary line in 1721 and the cession of the northwestern part of the province in 1753 are repeated in the *Bureau of Ethnology, Eighteenth Annual Report*, Pt. II., p. 633, this part of the account appearing to rest on second hand authorities. The large map of Cherokee land cessions in the entire country occupied by them accompanying the *Fifth Annual Report* (1883-4), contains the same errors, as does the text, 130 and 144-5. It is impossible to interpret the treaty of 1753 (Hewatt's statement of the date of 1755, largely followed by others, is erroneous) as granting anything except the site of the fort and the right of way to it without violently twisting its meaning; and even this twisting only makes it include a small strip along the northern course of the Savannah. Cf. Logan, i., 500-5 and 512. See Appendix IV of this book.

<sup>2</sup> Logan, i., 512. The fort was named for Lord Loudon, the Virginia Governor and incompetent commander of all His Majesty's forces in America. It was situated on the southern side of the Little Tennessee a short distance above where it receives the Tellico River from the south, in the present Monroe County, and not at the site of the present town of Loudon.

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Atrocious murders by the Indians nevertheless continued. A combination of skill and firmness was demanded of which the Governor did not show himself possessed, and in the midst of an ill-planned expedition he was recalled by the arrival of his successor Lyttleton in June, 1756.

The whites had assumed that the treaty of 1753 gave them the right to settle anywhere in the northwest up to Fort Prince George. The irritation of the savages finally burst all bounds at the treatment of some of their warriors on their return from aiding the British in the Fort Duquesne expedition in 1758. One group took twenty-two scalps as they passed through North Carolina and later others who had lost their horses supplied themselves after their own fashion in Virginia, for which the whites killed without discrimination some ten or twelve of the braves. Outraged at such ingratitude in those in whose defense they had been fighting, the young warriors, ready enough at all times for violence, retaliated by promiscuous murders along the frontier. This was the difficult situation which faced Governor Lyttleton. The older chiefs desired to avoid war and sent a delegation of about twenty-five of their number to Charleston to deliver and hear "talks." Their attitude did not prove satisfactory to the Governor, and, contrary to the advice of William Bull, soon to be his successor, he gave them a harsh and threatening answer. Still, since they had come claiming his promise of protection, he said, they should have it.

Governor Lyttleton set out October 29, 1759, in force to execute his threatened chastisement. The chiefs marched practically as prisoners and on their arrival at Fort Prince George were actually thrown into confinement, in violation of the Governor's plighted word. The impetuous gentleman, new to the situation, found himself unprepared to execute his threats and accordingly fell back upon negotiation, a policy

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See Plates CLXI and CLXII, *Eighteenth Annual Report of the Bureau of American Ethnology*, Part II. Logan, i., 513 and note, fixes it apparently seven miles above the Tellico, on the authority of South Carolina records. The bureau of Ethnology map, following apparently Ramsey of Tennessee, places it one mile, and Timberlake's map a half mile, above the Tellico.

which he might at first have pursued with dignity and success, but which was now to all intents and purposes a confession of helplessness. In December, 1759, a treaty was patched up in a manner discreditable to the Governor's word of honor, to the effect that the twenty-six chiefs then in the fort, in violation of the pledge given personally to all but a few of them, should remain imprisoned until twenty-six murderers whom he demanded should be delivered in their stead. Hardly had the salutes which hailed the Governor's empty triumph on his return to Charleston died away when over a dozen murders were perpetrated under the very shadow of Fort Prince George, and Oconostota, one of the wronged chiefs who had secured his liberation, entrapped and murdered the commander. The garrison retaliated by butchering the entire body of imprisoned chiefs. Instantly the frontier from Abbeville to York was swept with the horrors of savage war. In the Calhoun party alone, fleeing towards Augusta, on the 1st of February, 1760, some fifty lost their lives, among them the grandmother of John C. Calhoun. On April 4th Governor Lyttleton sailed away to undertake the government of Jamaica and left men better acquainted with Indian affairs to weather the storm which his precipitancy, blundering, and perfidy had done so much to bring down upon the unprotected settlers.

A force of 1200 regulars sent from the north by General Amherst—the first that had ever served in South Carolina—arrived April 1st. These, supplemented by about an equal body of provincials, proceeded with admirable celerity under Colonel Archibald Montgomery to the valley of the Keowee River. The expedition, after destroying the villages there, pressed on under great hardships into the fastnesses of the high mountains. Passing over the Chattooga Ridge and Chattooga River, they ascended the valley of War Woman Creek in the extreme northeast of Georgia, and crossing the Blue Ridge at or near Rabun Gap, descended into the upper valley of the Little Tennessee. As the army struggled along the river bank eight miles to the south of the present town of Franklin in Macon County, N. C., a mile and a half below

Smith's Bridge,<sup>1</sup> through a thicket almost impenetrable to man, the Indians opened fire from a well chosen ambush. The battle raged for an hour ere the savages were dislodged and fled farther into the mountain gorges to prepare a new attack.

Colonel Montgomery thought it imprudent to follow, and besides, his orders required him to be back in New York for the coming campaign against Canada. He reëmbarked at Charleston in August. Hardly was he out of the mountains when the enraged savages proceeded to vengeance. Fort Loudon on the Little Tennessee, with its inmates almost starved, was taken and twenty-seven of the garrison, the exact number of the hostages exacted by Governor Lyttleton and later butchered in Fort Prince George, were massacred.<sup>2</sup> The English had bungled the matter from Governor Glen's failure to improve the opportunity of 1753, on through the treachery and precipitancy of Lyttleton and the incomplete action of Montgomery. After painful labor, vast expense and lamentable bloodshed, the frontier was in a worse condition than ever and the work of crushing the Cherokees was as far from being accomplished as before the first shot was fired.

Canada having been now reduced, General Amherst again sent a force of regulars to the aid of the colony. These, with the four Highland companies of Royal Scots left in South Carolina after the previous year's expedition, a number of Indian allies and a South Carolina regiment raised for the occasion, made a total of about 2600. Ramsay, Bancroft, and McCrady all call attention to the remarkable number of men destined to win distinction in the Revolution who began their military careers in this campaign. Thomas Middleton was Colonel; Henry Laurens Lieutenant-Colonel; John Moultrie

<sup>1</sup> I have Professor W. W. Carson to thank for locating, from material in the library of the Wisconsin Historical Society, the exact point upon the river.

<sup>2</sup> McCrady's *South Carolina under the Royal Government*, 347; Bancroft, iv., 355. I cannot explain the discrepancy of one or two chiefs massacred in Fort Prince George and the whites killed in retaliation. I cannot say whether the Indians misunderstood the number or the writers misstate it.

Major, and William Moultrie, Francis Marion, Isaac Huger, Andrew Pickens, and other Revolutionary heroes less distinguished served in other positions.

June 7, 1761, the force, having rested at Fort Prince George, struck out by Montgomery's route of the year before for the country back of the Blue Ridge, where the Indians had taken refuge. Colonel Grant came upon them in a defile two miles south of the point at which Montgomery had been attacked.<sup>1</sup> After a fierce battle of three hours, marked by considerable skill and endurance on both sides, the Indians fled. Grant pushed on into their country and destroyed every village in the region of the upper waters of the Little Tennessee. After thirty days of such work in such a country, the army, with feet and legs bruised and "mangled"<sup>2</sup> returned exhausted to Fort Prince George. This campaign marks the end of the Cherokee power. The once mighty nation, prepared by drink and moral degeneracy for their fall,<sup>3</sup> were so thoroughly crushed that only once more did the white man need to strike to reduce their remnants to a position of servile dependency. Their leading chief, Attakullakulla, appeared to sue for peace. Lieutenant-Governor Bull, who now held the government, gladly did what was possible to "brighten the chain" and "straighten the path," and the Indian wars were at an end until the Revolution.<sup>4</sup>

A definite boundary was now for the first time apparently drawn between the Cherokees and the whites. This is the line still forming the eastern boundary of Greenville (except where tilted to the east on Laurens) and the southeastern boundary of Anderson. After a number of proposals and a temporary line established by the royal government, this was incorporated into the line permanently established, 1768-70, from the head of the Mohawk in New York almost to Mobile.<sup>5</sup> The shat-

<sup>1</sup> Bancroft, iv., 424. The map in Drayton's *Memoirs* may be consulted, but the proportions are so bad as to render it of little service.

<sup>2</sup> Ramsay.

<sup>3</sup> Cf. Logan.

<sup>4</sup> McCrady, ii., 352.

<sup>5</sup> Max Farrand: The Indian Boundary Line (with map), *Amer. Hist. Rev.*, x., 782-91. See note at end of chapter for later history of the Cherokees in South Carolina and their present residence in North Carolina.

tered Indian forces were immediately confronted by a powerful force from Virginia, marching down the Holston River from the northeast, with whom in November they also concluded a peace.<sup>1</sup>

Egerton Leigh in 1769 sneered at Laurens as having cut a ridiculous figure as a soldier in the Indian war. Laurens replied<sup>2</sup> that his conduct won the approbation of Lieutenant-Governor Bull, Colonel Grant, and even Colonel Middleton, with whom he differed so widely. In a bitter controversy between Laurens and Gadsden in which the campaign was threshed out by both, the plain spoken, hard hitting Gadsden makes no slurs upon Laurens's military record. Judge Leigh was not only a rather indiscreet and cowardly person, but also about as despicable a creature as at that time breathed the air of South Carolina, and I attach no value to his sneer, for which he offers no support.<sup>3</sup> Doubtless the father of

<sup>1</sup> *Memoir of Lieutenant Timberlake*, 1765, page 10. I am indebted to Prof. W. W. Carson for the information regarding the Virginians, he having supplied the account cited here.

<sup>2</sup> *Extracts from the Court of Vice-Admiralty*, 2d ed., 56.

<sup>3</sup> Egerton Leigh, when he was created a baronet in 1772 as a reward for championing the royal prerogative in South Carolina, was fresh from the impious crime of seducing his young sister-in-law, under the promise to marry her when his wife, her sister, died, an event which he represented to the girl as certain soon to occur. He had taken the girl to his home on the death of her parents, prevailing over the desire of other relatives to adopt her by his extraordinary professions of tender solicitude. After lying most basely when accused of his crime, he later, under overwhelming proof, confessed with tears. The allusion to Leigh in a pamphlet, evidently by William Henry Drayton, in a controversy in 1773-4 as "the worst and most abandoned of men" (McCrary, ii., 722) can hardly be explained except as a reference to Leigh's then well-known and recent infamy; for he was visited with the contempt which he merited. The history of the affair is in the correspondence of Henry Laurens with his brother James. The girl's hand was still sought by a respectable young Englishman who had entertained a strong affection for her before her misfortune; but she refused his offers and took up her residence with relatives in England.

The appointment of characters like Leigh to high office in the colonies by the British government was not uncommon. Leigh's father was sent to South Carolina as Chief Justice to supplant the eminent Chief Justice Charles Pinckney in reward for services in making election returns

Lieutenant-Colonel John Laurens when himself doing the Lieutenant-Colonel business in circumstances requiring a right good measure of steadfastness showed himself of proper metal. We are not bound to suppose that Colonel John got *all* his dashing bravery and fine talent for military affairs from his excellent mother.

The campaign of 1761 gave rise to a bitter personal dispute which raised wide-spreading animosities that rankled for years in the breasts of many besides the principals. Colonel Middleton, anticipating some unpleasantness, as he himself stated, secured beforehand from Lieutenant-Governor Bull permission to return at any time he should "find the service irksome or disagreeable." This he chose to do upon the conclusion of the thirty day mountain campaign instead of waiting like Laurens and the other officers through the tedious weeks that followed, giving as his reason that he had been subjected throughout by Colonel Grant to systematic slights.<sup>1</sup> Grant disclaimed any slighting conduct or intention. A duel ensued; but the bullets which passed did less harm than the hot war of words which raged between the partisans of the two officers. Though a majority sided with Middleton, some considered his conduct ungracious towards one who, having come to defend the province, was in a sense both benefactor and guest. In leaving the Indian country Middleton parted from Laurens as a friend, despite their difference on the points at issue and the attempts of meddlers to foment discord between them.<sup>2</sup> Laurens severely blamed Middleton, though his own dignity and authority were increased by the latter's retirement, and

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under circumstances which threatened him with a criminal prosecution. (McCrady, ii., 279-80.) Lecky quotes some peculiarly revolting instances. Needless to say that these incidents were very influential in bringing the Americans to a state of mind which made rebellion easier in 1775.

\* I am unable to determine from his statement in the *Appendix to the Extracts from the Court of Vice-Admiralty*, 58, whether Laurens returned from the Cherokee country in November, 1761, or January, 1762, or whether his stay was prolonged in order to inspect the region, in which he was much interested both as a public man and as an investor.

\* Middleton to Laurens, August 17, 1761, in *Appendix to Extracts from the Court of Vice-Admiralty*, 57.



defended Grant in a long and able article against Gadsden.<sup>1</sup> Besides blaming Middleton for returning before the end of the expedition, Laurens denied that his conduct had been in any wise distinguished. He acquitted Grant of slighting or improper conduct—a point on which I have formed no opinion—and vindicated him as having performed his task thoroughly and well, a conclusion which I do not believe can be questioned. The dispute between Middleton and Grant was a generally recognized affair before Middleton announced on the 10th of July his intention to return home.<sup>2</sup> Whether it antedated the departure for the back country and what grounds Colonel Middleton had for securing before-hand permission to return if he should “find the service irksome or disagreeable” I do not know; but the fact that he anticipated trouble and went thus forearmed could not make for cordiality. However, Gadsden in defending him expressed the feelings of the great majority of the people, and Laurens’s bold espousal of the unpopular side was an illustration of his calm and determined independence.

The feeling between Laurens and Gadsden grew very bitter despite the efforts of their friends for peace. Nor was this the first difference between Laurens and his next door neighbor to the north. Gadsden says that he had been friendly with Laurens until “his gross and public affronts several years since.”<sup>3</sup> What the trouble was I have not discovered; but it serves to show how far we may be misled by Johnson’s prettily imagined passage<sup>4</sup> of the perfect agreement of the two friends in opinions, business, and their defense of American rights, the “warmth of Gadsden’s temper” being “moderated by the calculating policy of Laurens’s reflections.” There is no reason to question the pleasing story by Laurens’s son-in-

<sup>1</sup> Laurens signed himself Philoletes (it is spelled so in his MS.) in Wells’s *Gazette* of Feb. 28, 1763, which is missing, but his MS. is preserved. Gadsden in the *S. C. Gazette*, of Feb. 26, 1763, acknowledged himself Philopatros.

<sup>2</sup> Laurens’s *Appendix to Extracts*, etc., 2d ed., 59, and *Gazette* article.

<sup>3</sup> *S. C. Gazette*, March 12, 1763.

<sup>4</sup> *Traditions of the Revolution*, 38.

law, Dr. Ramsay, about the two distinguished patriots, so similar in some respects and in others so different, born in the same city only eight days apart<sup>1</sup>, being "attached in their early youth to each other by the strongest ties of ardent friendship. They made a common cause to support and encourage each other in every virtuous pursuit, to shun every path of vice and folly, to leave company whenever it tended to licentiousness, and by acting in concert, to parry the charge of singularity so grating to young persons."<sup>2</sup> But after they had reached about thirty-five years, the satisfaction of the keen, curt, successful man of affairs and the rugged and irascible patriot at having faithfully kept their early pledge of virtue was embittered by the regret that they had not always been able to walk these straight paths hand in hand.

The traits and friendships and principles which marked Laurens in these years as legislator and soldier proved lasting. We find him to the end in close association with the same friends with few exceptions, repeatedly in misunderstandings with Gadsden, and in politics maintaining the same principles of self-government and looking always upon public affairs with eyes that saw a great deal more than the interests of a single colony, State, or section.

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#### NOTE ON THE CHEROKEES

Though the Cherokees here drop out of our narrative, we may notice briefly their later history in South Carolina and

<sup>1</sup> Gadsden was born Feb. 27, and Laurens, March 6, 1724, N. S. Johnson's account of their friendship in his *Traditions of the Revolution*, 38, appears to be an erroneous and loosely enlarged rendering of Ramsay's carefully worded statement. A note of Laurens's to Gadsden, Ap. 2, 1765, on surveying the line between their properties is as brief and formal as possible.—Hist. Soc. of Penn., Laurens MSS.

<sup>2</sup> *History of S. C.*, ii., 457.

their present residence in North Carolina. Upon the outbreak of the Revolution, stimulated by British agents, they rose in a fearful massacre in the far northwest of South Carolina. The new commonwealth, after the most desperate struggle it had experienced since its settlement, crushed them even more severely than in 1761. The chiefs appeared at De Wett's Corner (now transcribed into Due West) and on May 20, 1777, signed a treaty acknowledging that they had been conquered as far as the Unacaye Mountains, by which they appear to have meant the range between North Carolina and Tennessee which forms the southwestward extension of the Great Smokies.<sup>1</sup> South Carolina agreed of her own mere grace to allow the Cherokees, during good behavior, to dwell beyond a northeast and southwest line running across the highest part of Oconee Mountain. This boundary, starting near the mouth of the Chattooga River, crossed the northwestern part of Oconee and Pickens Counties towards Estatoe Mountain, striking North Carolina about two miles west of the extreme northwestern corner of Greenville County, South Carolina. By laying a ruler across the map, one may see how small was the part of South Carolina reserved to its one time sovereigns.<sup>2</sup> In 1816 they surrendered this the last of their heritage of a third of the State of South Carolina. The Creeks, in ceding a large tract in Georgia in 1790, included the region between the Keowee River in South Carolina and the Cherokee line; but their title to this had

<sup>1</sup> Drayton's map in his *Memoirs*, ii., 342, is very crude and appears to me erroneous in the position it assigns the "Unacaye" Mountains. It is not in accord with the description in the treaty of cession on page 362 of his book. The mountains we know to-day as the Unakas, which I have said above seem to me to be meant, meet the conditions both of the campaign and the words of the treaty, and I know of no reason to suppose that the name has been transferred since the Revolution from one great range to another.

<sup>2</sup> Ramsay's edition of 1858, map at front, also pp. 110 and 112; Logan (less clear), i., 505; Drayton, ii., 362, and map at p. 342; topographical maps of the U. S. Geological Survey, Walhalla, Oconee, Pisgah, and Pickens quadrangles; Bureau of Ethnology, *18th Annual Report* (1897), Part II, pp. 648, 652, and 680, and Plates CLV, CXXII, and CLXI.

never been regarded, and the cession was a mere act of super-erogation.<sup>1</sup>

This ends their history in this State. The bulk of the nation was transported in the '30's to the Indian Territory. The writer spent a week in the Qualla Reservation a few years ago. Old man Chiltoss and Siquay Armychain and Joe Running Wolf and his wife Molly Walking Snake, still a grim and glummish, stalwart race, exchanged few and prudent words with the stranger, if indeed any at all; for some refuse to speak the white man's language and profess not to understand it. The Indian still has trouble keeping the white man's cattle and lumber choppers off his lands, and if anything is stolen from the nicely hewn chestnut log cabins, I was told, he suspects that a white man has been around—a remark I duly pondered and hoped that thievish fellows of all colors would refrain from their operations until I was well away.

To-day 2078 souls huddled together on the Qualla Reservation in Swain County, N. C., among the majestic domes and valleys of the Great Smokies, comprise "The Eastern Band of Cherokees." Time will tell whether their beloved whiskey or the excellent educational training supplied by the United States government will win the victory. Small numbers of Indians, whether all Cherokees does not appear, scattered throughout North Carolina, bring the total in the State to 7914.<sup>2</sup>

<sup>1</sup> Bureau of Ethnology, as just cited.

<sup>2</sup> Letter to author from office of the Commissioner of Indian Affairs, May 7, 1913.

## CHAPTER VIII

### EXCITED POLITICS, 1762-64

LAURENS states in a paper written in 1781 that after entering the Assembly in 1757 he was reelected continuously until the Revolution; but his memory failed him slightly, for he was not a member of the short-lived house elected in January, 1762, and dissolved the following September.<sup>1</sup> This was due doubtless to his having espoused the cause of Grant in that officer's controversy with Middleton. He was, however, returned to the house in the general election of October, 1762, without effort on his part from the parish of St. Michael's and would have been from St. Philip's also, he asserts, but for his friends' refraining from pushing him there as he was sure of the other.<sup>2</sup> It is interesting to note how there were certain political families that largely held the offices year after year. *E. g.*, in this house there were only four of the forty-seven named in the *Gazette* of October 23, 1762, who had not been at some time members before, and only seven who were not members of the last house. Laurens took his election as a vindication of his conduct both in the war and in the disputes following, saying in 1769 that the universal cry had been against Grant, but that he (Laurens), though taking the unpopular side, so vindicated himself as a friend of truth as to win this endorsement by the electors.

In the short-lived house whose existence extended from January to September, 1762, there arose the most violent dispute which had so far occurred in South Carolina between the

<sup>1</sup> *S. C. Gazette*, Jan. 30, 1762.

<sup>2</sup> *Extracts from the Court of Vice-Admiralty*, 2d ed., 58-9.

royal Governor and the people's representatives. The cause was Governor Boone's gross violation of the rights of the Assembly in judging of the election of its own members. Lieutenant-Governor Bull, after administering the government for a year following the departure of Lyttleton, was succeeded by the coarse, passionate, and immoral Thomas Boone, late Governor of New Jersey. Boone found fault with the election law of the province, although it had served satisfactorily for the past forty years. He soon illustrated his meaning by refusing to administer the state oaths<sup>1</sup> to Christopher Gadsden, because it appeared that the returning officers, the church wardens of the parish, had not been sworn for that particular duty before holding the election, as he interpreted the law to require. The House accepted the election as valid nevertheless, on the ground that the oath taken by the wardens on assuming office for the faithful discharge of all their duties was sufficient. Boone peremptorily dissolved the Assembly, "to manifest," he said, "in as public a manner as I can my disavowal of so undeniable an infraction of the Election Act." Gadsden was of course reelected, and the Commons at once proceeded to vindicate their predecessors in defending their constitutional rights and to denounce the act of the Governor in seeking to control elections. Boone replied with equal positiveness and very bad temper in a style suggesting a crabbed overseer rather than the chief executive of a free people. The Assembly resolved, December 16, 1762, that they would transact no business with him until he had done them justice. Matters continued at a deadlock, and Boone continued politically and socially ostracized until his departure in May, 1764, when he was followed for a two year period by that best of the King's servants in South Carolina, Lieutenant-Governor Bull.

The Boone-Gadsden affair bred much bad feeling, and it is not unlikely that the almost fatal encounter between the conservative Mr. Laurens and the choleric radical Mr. Thomas

<sup>1</sup> Every member, his election having been passed upon by the House, had to take before the Governor the oaths of allegiance to the House of Hanover and abjuration of the Stuart pretender, "the state oaths."

Wright on a Saturday afternoon, August 13, 1763, was the easier because of their divergent politics. Wright, who had been called to task for removing stones from Laurens's property, came armed upon the scene. After a few words he drew his sword, cut Laurens in the hand and received a whack on the head from his opponent's stick which served to madden rather than subdue him. At this point Wright was prevented from committing murder by being forcibly disarmed.<sup>1</sup>

The election controversy spread to the newspapers, where Gadsden, Laurens, and others in a general way grouped themselves in the gazettes of the radical Timothy or the conservative Wells, foreshadowing the later course of the former as the organ of the Sons of Liberty and the latter of the royalists. Though Laurens, so far as I can gather, maintained the control of the Assembly over elections, his steady conservatism had small patience with "one poor rash headlong gentleman . . . a ringleader . . . in popular quarrels," for declaring that he would rather have half the province destroyed than yield to the Governor. If he lived at Long Canes instead of Charleston or even had £1000 invested there, he remarked, he would sing a different tune.<sup>2</sup> The matter became the occasion of one of those violent contests between the two houses which were so surely sapping the influence of the Council and augmenting that of the Commons. The Commons, declining to bestow the customary salary upon one who had so violated their constitutional rights, omitted from the tax bill any pro-

<sup>1</sup> Laurens to Joseph Brown, Aug. 19, 1763, in Hist. Soc. Penn. MSS. The grounds for classing Wright as a radical are found at p. 42, n., *et passim*.

<sup>2</sup> Laurens to Christopher Rame, Feb. 8, 1764, in Hist. Soc. Penn. MSS. Laurens's description and the sentiments of the "poor rash headlong gentleman" both indicate Gadsden. Laurens was bitterly opposing Gadsden in the Middleton-Grant affair during the Boone-Gadsden dispute, and it might be inferred from an article signed "By-Standers" in the *S. C. Gazette* for March 19-26, 1763, that he, like Wragg, maintained the illegality of Gadsden's election. Gadsden himself says, however: "I believe Col. Laurens did not communicate any of his writings or observations . . . with any intention to throw me out at my election," but that they have been made use of for that purpose. Wells's *Gazette*, Laurens's medium, is lacking for this period.

vision for Governor Boone. In 1764 the Council returned the bill with £7000 currency added for Boone's two years' salary. The Commons, swept by their wrath beyond their usual parliamentary expressions, dealt the Council the rudest blow yet struck in the contest which had waged intermittently since 1725. They said in substance:

We would be surprised at your effrontery if repeated offenses had not accustomed us to it. As for your "instructions" from the King, you certainly need instructions from somebody; in this particular matter, however, we question the accuracy of your statement. We do not need you to tell us that no Governor was ever deprived of his allowance since this became a royal province; that only emphasizes his demerits. Never before has any Governor been so enormous in his "repeated insults and attacks upon the rights and privileges of the people." The money "is *not* a salary, but a gratuity from the people, which they would be stupid to bestow upon a Governor who has endeavored to deprive them of what ought to be valued by every Englishman more than life itself." But that we may give even you your dues, we must "most highly applaud your most profound sagacity in discovering the" virtues of a Governor whose "haughtiness and despotism" South Carolina has never seen exceeded. We can easily understand your his sycophants' "utmost . . . suppleness . . . to avoid that suspended rod, which the least refractoriness would inevitably bring" down. We do not know how much you are being rewarded for this, you disinterested "volunteers"; but know "that we will not restore the sum of £7,000. . . . NO! not even for your favorite GOVERNOR!"<sup>1</sup>

High words, and under the circumstances excusable; and their users as effectively removed his Excellency as did ever a legislature by impeachment. It was not in the remotest sense a matter of saving the money, and so the Commons, in deference to the King's own request after he had recalled the offensive Governor, paid him the sum.

In the light of the lively composition just quoted, and the partisan fires of 1761 still hot, as Laurens wrote Grant, Sept. 15, 1764, he might truly speak of South Carolina as "this very disturbed state." We may agree with the author of the *Traditions of the Revolution* that this long, irritating, and disgusting controversy played its part in preparing the minds

<sup>1</sup> Wallace's *Constitutional Hist. of S. C.*, 1725-75, 57-8, quoting *Coms. Jour. S. C.*, MS., xxxvi., 342-6. Condensed where not in quotation marks.



of the leaders of politics in South Carolina for resisting the royal government itself.

It was shortly after Boone's departure and about the time of the action of the Commons just narrated that Laurens was offered a position as a member of the King's Council, a body in which his partner Austin already sat. Among others, Lieutenant-Governor Bull and Laurens's friend Colonel Grant were chiefly instrumental in obtaining him this honor.<sup>1</sup> There can be no doubt that these good supporters of the royal cause felt that Laurens's moderation in the storms of the past three years and his fearless support of an officer of the King's army against a popular local character deserved recognition. The nomination is but another testimony to the sincerity and intelligence of that good man William Bull who so much better than any other of the King's servants sought to carry peace and even justice alike to his distant master and his neighbors and fellow citizens. The Council needed strengthening by men of character and reputation in the community. Already one of the leading features of South Carolina politics for the twenty years preceding the Revolution had set in—the decline in character and public confidence of that body. This incipient degeneration had recently been accelerated and dramatically blazoned abroad to all men by the act of that same heady, double dealing and mismanaging Governor Lyttleton of the Indian troubles in abruptly dismissing Councillor William Wragg, one of the most respected citizens of the province and the most loyal of supporters of the royal government. "From that day," says Bancroft, "it became the pride of native South Carolinians not to accept a seat in that body." Before that time the name of a royal placeman is rarely to be found among the Councillors; among the members added later, it is almost as hard to find any others.<sup>2</sup> An appointment to the

<sup>1</sup> Bull recommended Laurens May 16, 1764. *Pub. Recs. of S. C., MS.*, xxx., 143-4.

<sup>2</sup> Bancroft, v., 410, citing correspondence of Lieutenant-Gov. Bull; Drayton's *Memoirs*, i., 314-5, n., and list of Councillors in McCrady's *S. C. under the Royal Government*, 801-2. N. B. that Laurens's name is given in the list of Councillors cited above in McCrady, which was made out

Council was still an honor, though a diminished one, and it might have been supposed one very welcome to a rich merchant of large landed interests, getting into middle life, marked by loyalty and ability, and withal rather conservative; but he would not accept it. He wrote, October 10, 1764, to Richard Oswald:

Much I am indebted to them all for their kind intentions, but I wish that they had previously consulted my own inclinations. It would have saved some trouble; for I am determined not to be prevailed upon by any arguments to accept that honor. I have many reasons to urge why I ought not; but I shall trouble you with only two, which to me are invincible: The first, that I cannot attend to the duty of the Council consistently with my plan of life and business, and I always make a conscience of discharging every trust imposed on me—at least I would set out upon that principle. Second, I am not qualified for a reputable and honorable discharge of that duty; and upon my word, sir, I have been sorry to see that Honorable Board so much slighted as it has been at some times by certain appointments which hath reduced its character with some people almost below contempt; but I have nothing to do with this at present. . . . If one (a mandamus) is already issued I must pay the expense, but will never make use of it.

Laurens looks with regret upon the degradation of the Council as a patriotic member of the House of Representatives might regret degeneration in the Senate, even though it raised the comparative influence of his own house. But the appointment of placemen had already gone so far as to call forth the bitter sneer of the Commons at their fear of "that suspended rod, which the least refractoriness will inevitably bring" down. The policy of His Majesty in "slighting" that "Honorable Board" "by certain appointments which hath reduced its character with some people almost below contempt" was to lead other men of Laurens's type also to decline appointments, and we may be sure that this was one of the "many reasons" which led him to decline the commission. So much the more certain was it, therefore, that he should again

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by me at Gen. McCrady's request from the correspondence between the Governors and the royal government. Laurens's mandamus was delivered to him, but he declined it, a fact I was not aware of until I wrote this book.

decline the same offer four or five years later.<sup>1</sup> And perhaps there was another reason more significant than any of the others, one which he himself at that time probably could not have formulated. There was already well advanced a contest between the principle of constitutional self-government in the province represented in the Commons House of Assembly and the principle of the prerogative of an outside power represented in the Council, a contest soon to be merged in the wider one for which this was so finely preparing the weapons and the men to wield them. Intimations of these things men afterwards could see were by no means wanting even thus early, but probably no man yet formulated them and stated them as reasons to himself. Nevertheless men of a certain type instinctively were drawn to the one side and repelled from the other.

<sup>1</sup> Montagu to Hillsborough, March, 1769, in *Pub. Rec. of S. C.*, MS., xxxii., 74.

## CHAPTER IX

### LAURENS AND THE STAMP ACT

THE Stamp Act presented a severe trial to the principles and conduct of a man who, like Laurens, opposed it as oppressive and unconstitutional, but who, as a loyal British subject and orderly citizen, was confronted with mobs, violence, and organized intercolonial resistance. He urged petition and remonstrance in order to secure repeal and regarded all illegal agitation not only as futile, but as inviting worse consequences. His attitude is revealed in the following letter written a week before the arrival of the stamps:

We in Carolina have now a glorious opportunity of standing distinguished for our loyalty, which we have sometimes boasted of very much—an opportunity of standing single in the only cause wherein singularity merits commendation—the cause of virtue. I was going to say much more upon this subject, but time fails. Let me however add that I hope you as a magistrate—as a good subject—as a prudent man will do all in your power to discourage all the little apings and mockery in your town (Georgetown) of those infamous inglorious feats of riot and dissipation which have been performed to the No'ward of us and which may still (tho I hope not) be feebly imitated by some turbulent spirits in this metropolis. Conclude not hence that I am an advocate for the stamp tax. No, by no means—I would give—I would do—a great deal to procure a repeal of the law which imposes it upon us; but I am sure that nothing but a regular, decent, becoming representation of the inexpediency and inutility of that law will have the desired effect and that all irregular seditious practices will have an evil tendency, even perhaps to perpetuate that and to bring upon us other acts of Parliament big with greater mischiefs. Resignations which people here build so much upon can answer no good end. The Act must be executed and indeed a suspension of it while it is in force would prove our ruin and destruction, and I am sure that if a stamp officer were so timid as to resign and a Governor so complisant (*sic*) as not to appoint

another in his stead—we should in one fortnight if nothing else would do, go down on our knees and pray him to give life to that law. What, else, would become of our estates, particularly ours who depend upon commerce? In short there remains nothing for us at present to do but to show a graceful obedience to the law until we can procure its annihilation in a constitutional way or to beat to arms, and I defy all the grumbletonions from Quebec to West Florida to point out a medium.<sup>1</sup>

The stamps arrived in Charleston harbor October 18, 1765, but so threatening was the popular opposition that they were deposited in Fort Johnson, across the Ashley River from the city. Laurens's apprehensions of disorders and resignations were soon realized. For nine days the city was filled with threats, tumults, hangings in effigy, manifestoes, and mobs, which were only terminated by the resignation of the stamp officers. Laurens viewed the searching of houses as "burglary and robbery" and saw in the zeal of the destroyers only a desire to postpone the payment of their debts. "A few days more," he wrote in words which give point to the gibes at "mercantile patriots," "will necessitate us to beg for them (the stamps) or involve every man of property in the utmost confusion."<sup>2</sup>

The night of the very day on which he wrote this denunciation of "burglary and robbery" upon the houses of the stamp officers, Laurens was himself subjected to the same outrage. His disapproval of these methods was well known, and accordingly when it was rumored that Lieutenant-Governor Bull, fearing an attack on Fort Johnson, had confided the stamps to a gentleman in Ansonboro, the mob concluded that their guardian could be none other than Colonel Laurens. At midnight of the 23d they committed the outrageous criminal attack upon his home which he describes in the following letter five days later:

I had intended to have set out upon my journey (to Florida) on Friday last, but an unlucky circumstance that occurred on Wednesday night the

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<sup>1</sup> Laurens to Joseph Brown, Oct. 11, 1765; in Hist. Soc. Penn. MSS. In this same library, Laurens to Fisher, Feb. 27, 1766: "Nothing (with all submission I say it) could be more foolish than the whole conduct of — in Stamp Act but ours in the manner we have chosen to oppose it."

<sup>2</sup> Laurens to Joseph Brown, Oct. 22, 1765, in Hist. Soc. Penn. MSS.

23d has so affected Mrs. Laurens's bodily health as well as her spirits that my presence and attention at home are become absolutely necessary.

At midnight of the said Wednesday I heard a most violent thumping and confused noise at my western door and chamber window, and soon distinguished the sounds of *Liberty Liberty and stamp'd paper, Open your doors* and let us search your house and cellars. I opened the window, saw a crowd of men chiefly in disguise and heard the voices and thumping of many more on the other side, assured them that I had no stamped paper nor any connection with stamps. When I found that no fair words would pacify them I accused them with cruelty to a poor sick woman far gone with child<sup>1</sup> and produced Mrs. Laurens shrieking and wringing her hands, adding that if there was any one man amongst them who owed me a spite and would turn out I had a brace of pistols at his service and would settle the dispute immediately but that it was base in such a multitude to attack a single man—to this they replied in general that they loved and respected me—would not hurt me nor my property but that they were sent by some of my seemingly best friends to search for stamped paper which they were certain was in my custody advised me to open the door to prevent worse consequences.

Conscious of my innocence, I was pausing whether to refuse every one of their demands or barely to open the door, at which they still continued knocking as if they would have beat down the house, and to let them proceed as their rage and madness should impel them—but Mrs. Laurens's condition and her cries prompted me to open the door which in two minutes more they would have beat thro:—a brace of cutlasses across my breast was the salutation and Lights Lights and Search—was the cry. I presently knew several of them under their thickest disguises of soot, sailors habits, slouch hats &c and to their great surprise called no less than nine of them by name and fixed my eyes so attentively upon other faces as to discover at least the same number since. They made a very superficial search indeed, or rather no search at all in my house, counting house, cellar and stable. After that farce was over they insisted on my taking what they called "A Bible Oath" that I knew not where the stamped paper was, which I absolutely refused,<sup>2</sup> not failing to confirm my denials with Damns of equal weight with their own—a language which I only had learned from them—they threatened then to carry me away to some unknown place and punish me. I replied they might if they would—they had strength

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<sup>1</sup> The boy born a month later Laurens's good humored German friend Gervais insisted on calling "George Liberty" or for short "Liberty" as representing both sides of the controversy, but the parents preferred to name him James.—Laurens to Gervais, Jan. 29 and Sept. 1, 1766, in Hist. Soc. Penn. MSS.

<sup>2</sup> Laurens knew it was at Fort Johnson; see previous letter to Brown.

enough, but I would be glad to have it attempted by any man alone either among them or those who they said had sent them. When they found this attempt fruitless a softer oath, as they thought, was propounded—I must say “May God disinherit me from the Kingdom of Heaven” if I knew where the stamped papers were. This I likewise per(e)mptorily refused and added that I would not have one word extorted from my mouth—that I had voluntarily given my word and honor but would not suffer even that to pass my lips by compulsion—further that if I had once accepted a trust they might stamp me to powder but should not make me betray it—that my sentiments of the Stamp Act was well known I had openly declared myself an enemy to it and would give and do a great deal to procure its annihilation but that I could not think that they pursued a right method to obtain a repeal &ca &ca. Sometimes they applauded, sometimes cursed me. At length one of them holding my shoulders said they loved me and everybody would love me if I did not hold way with one Govr. Grant. This provoked me not a little as it exhibited to me the cloven foot of a certain malicious villain acting behind the curtain who could be reached only by suspicion.<sup>1</sup> I answered that if he meant that I corresponded with Govr. Grant and esteemed him as a gentleman I acknowledged with pleasure that I did ‘*hold way*,’ as he called it, with him—that I knew nothing in Govr. Grant’s conduct or principles as a gentleman that could shame my acquaintance with him; that if Govr. Grant had any criminal schemes or projects he was too prudent to trust me with his secrets—but in one word for all, gentlemen, I am in your power, you are very strong and may if you please barbicu me—I can but die—but you shall not by any force or means whatsoever compel me to renounce my friendships or to speak ill of men that I think well of or to say or do a mean thing.<sup>2</sup> This was their last effort, they praised me highly and insisted upon giving me three cheers and then retired with “God bless your Honor,” “Good night, Colonel,—we hope the poor lady will do well,” &ca &ca. A thousand other things were said and done in an hour and a quarter, the time of this visit, but the above is a fair abstract of all that is important. Is it not amazing that such a number of men many of them heated with liquor and all armed with cutlasses and clubs did not do one penny damage to my garden not even to walk over a bed and not 15/ damage to my fence, gate or house. Mrs. Laurens has been very ill indeed, but today I have great hopes that she will go out her expected time of four or five weeks longer.<sup>3</sup> The party have gained a great victory and triumph today over G. Saxby and Caleb Lloyd. You’ll hear a million of reports; don’t believe all, or rather believe none but what is authenticated.<sup>4</sup>

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<sup>1</sup> He must mean Gadsden.

<sup>2</sup> A very skillful shifting of the question to his own advantage.

<sup>3</sup> She did, though “her life was for some weeks thought to be in great danger” after her fright. Laurens to Fisher, Feb. 27, 1766.

<sup>4</sup> Laurens to Joseph Brown, Oct. 28, 1765, in Hist. Soc. Penn. MSS.

The day of this letter, the 28th of October, on which the people "gained a great victory and triumph" over the stamp officers, was indeed a gala occasion. Colonel Laurens probably showed his disapproval by remaining indoors. The now unmuffled bells of St. Michael's chimed as a committee of citizens bringing the stamp officers from their retreat in Fort Johnson landed from a boat with that ominous thing at its bow, a "union flag" bearing in the center "Liberty." Before the vastest throng ever assembled in the province, the officials' renunciation of office was read and was applauded by the shouts of the people, the ringing bells, the sounds of drums, hautboys, and violins and the booming of cannon. Such was the joyous termination of nine days' disorder, with a good dash of window smashing, intimidation and invasion of private houses, all (if we are to trust Laurens's surmises, who though a prejudiced witness, was at least on the ground) very largely engineered by that rough-riding leader of the South Carolina "Sons of Liberty," Christopher Gadsden.<sup>1</sup>

A peculiar incident, revealing in what dread the citizens lived among the black savages with whom they were surrounding themselves, was furnished in January by some negroes who, apparently in mere thoughtless imitation, began to cry "Liberty." The city was thrown under arms for a week and for ten or fourteen days messengers were sent posting through the province in the most bitterly cold weather for nineteen years. Nothing was proved; but one negro was banished "because some of his judges said in the general course of his life he had been a sad dog—and perhaps that it was necessary to save appearances."<sup>2</sup>

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A great part of this letter has since been printed, but I find so many little changes for "propriety" or carelessness, that I copied it directly from the letter book.

<sup>1</sup> All through 1765-6 Laurens ridicules and sneers at Gadsden.

<sup>2</sup> Laurens to Gervais, Jan. 29, 1766, in Hist. Soc. Penn. MSS. For those interested in records of climate this record establishes the fact that 1747 and 1766 were marked by excessive cold. It is interesting to note that a negro terror, marked that time by an execution, broke out in Charleston at the beginning of the Revolution.



Late in January strong efforts were made to force the customs officer to clear vessels without the Governor's permission. Lieutenant-Governor Bull himself, however, at last compromised on a "permit" for which a fee equal to the stamps was required. The customs officer, says Laurens, February 4th, was about to give way "or mount his horse before tomorrow's sun." A prominent lawyer assured Laurens that the courts would also be open by the middle of the month, which proves that the scheme by which Chief Justice Skinner was overriden was already on foot.<sup>1</sup>

Laurens continued a disgruntled on-looker while the bar brow-beat and outwitted Chief Justice Skinner and the merchants pushed Bull into opening the port. It pleased him though that, by the great accumulation of vessels during the embargo, freight rates had shrunk to an unheard-of figure, and "our rice planters have gained a vast ascendant over the British owners and fairly turned the edge of the stamp tax upon them"; and he was prompt enough in availing himself of the "permits" to send his ships to sea.<sup>2</sup>

Early in May, 1766, arrival of the news of repeal gave the signal for two nights of hilarity. The revelers abused all who did not illuminate, says Laurens; "among others those worthy fathers Mr. Manigault and Mr. Beaufain did not escape. Some people suffer'd very much in both the evenings of rejoicing. I happened on the first to be out of town. What passion prompted Mrs. Laurens I won't take upon me to say, but she was as brilliant as anybody—and saved her bacon."<sup>3</sup>

Plainly Laurens cannot be counted among the patriots whose exertions defeated this attempt to tax America. He pledged his entire fortune in addressing the mob that "constitutional" resistance by "petitions and remonstrances"

<sup>1</sup> Laurens to Gervais, Jan. 29, and Feb. 4, 1766, in Hist. Soc. Penn. MSS. For a full account of these events see McCrady, ii., 560-85; Smith, 349-57, and Wallace, 32-46.

<sup>2</sup> Laurens to Fisher, Feb. 27, 1766, etc., in Etting Papers in Hist. Soc. Penn. MSS.

<sup>3</sup> Laurens to Gervais, May 12, 1766, in Hist. Soc. Penn. MSS.

would receive attention; but his constitutionalism as a loyal British subject was so strict that he refused to vote for delegates to the Stamp Act Congress.<sup>1</sup> He narrates without comment the vote of money by the House of Assembly for the portraits of the three delegates to the Stamp Act Congress and a marble statue of Pitt; but he has no enthusiasm even for the Great Commoner and cannot admit that the unconstitutional mobs and meetings did any good.

. . . Mr. Pitt made a long and elaborate speech upon the question of repeal (he says). I have not seen it, but from so much as I have heard, he seems to have been retained by America and much indebted to their sentiments and dictates for the choicest (*sic*) flowers in his harrangue.

Glad am I upon the whole that the Act is repealed, tho (*sic*) I know not yet what cause to ascribe it to—nor am I clear about the durability of our present seeming happiness.<sup>2</sup>

But we are not yet at the bottom of Laurens's motives. Christopher Gadsden and Samuel Adams, without whom, says Bancroft, there would have been no Revolution, saw in the Stamp Act a rift between the mother country and colonies which might be forced until they fell apart. What they cherished as a consummation Laurens sensed and foreboded as a calamity. He could not shout with his fellow-citizens because he saw farther than they. Hence the notes now of sarcasm and now of sadness in all he wrote upon the subject. In concluding his letter just quoted, he says that if the news is true that New England is not rejoicing, it only confirms what "you have often heard upon this floor—that a simple repeal of the Stamp Act would be a disappointment to N. England." Here is the explanation of his conduct; he was not a worse patriot than his fellows; he was a better prophet. As a loyal subject of the British Empire he was already grieving lest his children should be called by some new name.<sup>3</sup>

<sup>1</sup> See his petition of June 23, 1781, in the Tower of London.

<sup>2</sup> Laurens to Gervais, May 12, 1766.

<sup>3</sup> Expression he used at the time of the Revolution.

## CHAPTER X

### THE GREAT LANDOWNER AND PLANTER—GROWTH OF POPULATION AND INDUSTRY, 1767-68

THE short lull in politics following the repeal of the Stamp Act allows us to turn our attention to the planting activities which Laurens in these years, like so many of his contemporaries, was extending to such surprising proportions and to the general expansion of the industry and population of the province by which the older sections were being enriched and the back country opened up almost to the foot of the mountains. In 1763 land values were rising to such an extent throughout the province that it behooved men who owned cultivated plantations to think well before parting with them.<sup>1</sup> Laurens, in giving to Benjamin Addison, who had formerly been in the province, an account of the prosperity of the times, writes, May 26, 1768, that population and money are increasing daily; Ansonboro is covered with houses, and the old Brew House land, which he had with difficulty persuaded the South Carolina Society to buy for £500 would now sell for £4000 sterling. The very frequency with which the gout is mentioned among the population during these years is suggestive of abundant material prosperity. In 1768 Colonel Laurens himself fell a victim of this ailment which was in later years to give him so much pain.

It was a very general custom at this time for a prosperous man of business to invest a large part of his fortune in landed estates. Two reasons dictated such a course. First, successful rice and indigo planting in the fertile virgin soil was ex-

<sup>1</sup> Laurens to Ball, Nov. 29, 1763, in Hist. Soc. Penn. MSS.

traordinarily profitable; and second, the possession of large plantations added something to the social distinction of even the richest merchant. This feeling is revealed by a writer in the bitter controversies of 1769, who twits his antagonist with having been an importer of European goods and yet having failed to become either a rich merchant or the owner of large plantations; and, he continues, though the gentleman refers to merchants as new-comers and strangers, yet the sons of many who began in a mercantile way are now the owners of large plantations.<sup>1</sup> Thus, to be only a merchant was to be unpleasantly associated with the idea of new-comer and stranger; to be in the fullest sense a South Carolinian one must be to the manor born, or failing that through no fault of his own, must have "acquired a stake in the country" by possessing himself of manors.

In the politics of the period three classes may be recognized, so much so as at times to form the basis of formal factional arrangements. For instance, in 1769 the committee appointed to execute the non-importation association consisted of thirteen planters, thirteen merchants, and thirteen mechanics.<sup>2</sup> In 1768 the mechanics went so far as to hold practically a party primary election to nominate candidates to stand as their representatives in the approaching election of the Assembly, and the merchants at times acted unitedly through their chamber of commerce and on at least one occasion marched in a body to the polls to vote for the nominees upon whom they had agreed.

Laurens, though bred a merchant, always manifested a love of cultivating the soil, and his action in purchasing large landed estates in addition to what his father left him was due to his natural bent as well as to the financial and social benefits. He had a varied orchard and garden even before he built this "fine new house" at the corner of East Bay and Laurens streets, and at the latter we recall that he reclaimed from the tide marsh a four-acre tract which he filled with a great variety of trees, fruits, and flowers assembled from different countries

<sup>1</sup> McCrady, ii., 649.

<sup>2</sup> *Ib.*, ii., 651.

and climates, the tending of which was also one of Mrs. Laurens's chief delights.

The *South Carolina Gazette* of July 11, 1761, advertises for sale a three-thousand-acre tract, beautiful and advantageous for situation on the northern bank of the Cooper, twenty-nine miles above Charleston.<sup>1</sup> It lay in the southeastern part of the parish of St. John's, Berkeley, and had "a high and pleasant bluff close to the river, and a good landing-place. Any vessel that comes here may load at said landing." Laurens purchased the place, June 4, 1762, from John Colleton, Esq., of Middlesex, England, and after the Revolution made it his country home—indeed his regular home; but at the end of June, he says, "the girls for fashion sake go to town."<sup>2</sup>

Mepkin is to this day, even in its abandoned state as part of a hunting preserve, a spot of surprising beauty. The clear majestic river flows at the bottom of a sheer bluff forty feet in height which two slight waterways set off into three gently sloping hills, the most even and elevated being in the center. Raised upon this into the path of every breeze and situated some two hundred yards back sat the house in the midst of a large park through whose trees it commanded the southward sweep of the river and the rice fields fading into the horizon among the flats on the other side. To-day only the ruins of the foundations can be found by struggling through a luxuriant thicket of varnish trees, the presence of which only at this point in the region suggests that they are descended from the plantings of Laurens's own hand. One of the gigantic live oaks was said by his granddaughter to have shaded almost an acre. Rightly were these old homes the pride of their owners. Each had its name, like a gentleman's seat in the old country, which gave it individuality through generations. To walk through their ruins starts such sad reflections, romantic associations, and noble sentiments as nothing else in our country can awake. Approached through long double or quadruple avenues of

<sup>1</sup> Or rather the eastern bank as we would express it. Laurens speaks of it as thirty miles from Charleston. It lies upon the eastern side of the western branch of the river.

<sup>2</sup> Charleston Register of Mesne Conveyance Office, Book ZZ, page 1.

trees, surrounded by lovely gardens and embosomed in great whispering oaks, they fostered a life which drew something of its fullness and breadth from the rice fields over which they looked, changing with the seasons from the delicate green of spring to the rich gold of harvest.

The year 1763 might very well be taken as the center of colonial South Carolina's great period of prosperity and expansion. The country was throbbing with the sense of patriotism and power at the brilliant consummation of the French and Indian war, and the quarrels soon to arise with the mother country were undreamed of. The long-standing peril from the Cherokees had vanished and the prosperity of both planter and merchant supplied capital for the new opportunities which beckoned. This same year Georgia settled her long-standing dispute with the Creeks and quadrupled her territory by obtaining the cessions to the north and south of the little block around Savannah. From this dates her prosperity. Outside capital flowed in to develop the new lands and her commerce increased almost fivefold within the next ten years.<sup>1</sup>

The acquisition of Florida the same year added another field for enterprise. South Carolina and English capital immediately began to flow into all three of the newly opened fields. In 1763 Laurens took out for friends warrants for extensive surveys south of the Altamaha, and in May, June, and July, 1766, made his long-intended tour of inspection through Florida and southeastern Georgia.<sup>2</sup> He was prompt to

<sup>1</sup> Bancroft, iii., 64; *Eighteenth An. Rept.*, Bureau Am. Ethnology, pt. 2, pp. 634-9; U. B. Phillips's "Georgia and State Rights," in *An. Rept. Am. Hist. Asso.*, 1901, ii., 39-40.

<sup>2</sup> Laurens to Lachlan McIntosh, May 1, 1763, etc., and to Flagg, July 30, 1766, in Hist. Soc. Penn. MSS. Lachlan McIntosh of Georgia was one of Laurens's most valued friends. McIntosh was born near Inverness Scotland, March, 1725, says the *National Cyclopaedia of Am. Biography*, i., 72, son of a leader of his clan. On the capture of his father by the Spaniards on Oglethorpe's expedition into Florida in 1740, Lachlan went to Charleston and was taken into his home and counting-house by Henry Laurens. Either the fifteen-year-old McIntosh deferred his trip to Charleston for seven years until Laurens had a counting-house or the story really refers to Lau-

improve his opportunities in the latter, "where, by the way," he wrote as early as 1764, "I have some valuable specks." His "specks" consisted of a three-thousand-acre grant on the south side of the Altamaha River and nine hundred acres on Broughton Island. Other South Carolinians followed his example.<sup>1</sup>

Laurens bought no land in Florida, but preferred to confine himself to the new lands in Georgia, his old low country estates and the rich uplands recently won in South Carolina from the Cherokees; but he assisted others in their Florida enterprises. Two of his English friends wished him to secure them twenty thousand acres apiece in East Florida and a third, Richard Oswald, had several tracts, one of which measured eight thousand acres.<sup>2</sup> Oswald attempted to plant a colony on his East Florida principality, but he soon grew very weary of the continued drain which his experiments entailed. "O damn it! Oh, he can very well afford it," people would say when Laurens protested against their plundering him by overcharges.

Laurens's ideas regarding the great back country of South Carolina just being opened up, which he had learned to know and to love when he helped win it from the savages in 1761, were of the most enlightened kind; but sad to say he was

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rens's father. After several years he returned to Georgia. He became a Brigadier General in the Revolution and was entrusted by Washington with the defense of the frontiers of Pennsylvania and Virginia against the Indians. Due to his losses during the Revolution he remained in poverty until his death, Feb. 20, 1806.

<sup>1</sup> Laurens to Rossel and Gervais, Feb. 16, 1765, in Hist. Soc. Penn. MSS. These grants seem to have been perfected about February, 1765.

<sup>2</sup> Laurens to Gervais, Sept. 1, 1766, in Hist. Soc. Penn. MSS. This is the same Oswald who negotiated the treaty of peace with the United States on behalf of England in 1783. He had long resided in Virginia in his youth and opposed the war against the colonies. In 1774 he said to Laurens, "If Great Britain forces a war upon America she cannot spare troops enough to subdue Virginia alone if the people there will be faithful to each other." (Laurens's narrative in *S. C. Hist. Soc. Cols.*, i., 54.) Laurens speaks of him to Washington as a man "of a very large independent fortune much exceeding a quarter of a million sterling." (Laurens to Washington, June 18, 1778, in *Letters to Washington* in Library of Congress MSS.)

unable to carry them into execution. Instead of the rich low country merchants' and planters' seizing upon the region and reproducing there the system of large slave-holding estates, he wished it peopled by small white farmers. Large holdings, he wrote, were a nuisance as they prevented the influx of settlers; and to the end of his life he sought to make that a country of small land-owning white men. "I do not know of anything," he wrote, "that I have more at heart than the prosperity of our back country."<sup>1</sup> His comment on hearing that his friend the Moravian missionary, John Ettwein, was preaching at Orangeburg in 1765 was that he wished such a preacher could be maintained to visit every back district at least once in two months—a much-needed ministration, as the petitions from the inhabitants averred that many of them had never seen a church.<sup>2</sup> He sought to interest Oswald with his great resources in planting a colony at Long Canes near Abbeville; but the Englishman had had enough of colonizing and soon withdrew from the project, the misleading name of which was unpleasantly suggestive of Florida swamps where he had sunk so much. Laurens took up the tract on his own account, intending, rather inconsistently with his views on white immigration, to make it an indigo plantation. Half of it he allowed his friend Gervais, reserving the other half, 6600 acres, for himself.<sup>3</sup> Gervais settled in the Ninety-Six country, calling his estate, like a good German, Herrenhausen, and did well on those good lands, though he often got very blue in his exile, especially when he had to do his own cooking. When he provided himself with a cook, his friend Laurens, comfortably settled in Charleston, proved but a Job's comforter:

I like your purchase of the waggon much in preference to that of the Irish woman although she is about *forty years of age* [he wrote], but in

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<sup>1</sup> Laurens to Williamson, Sept. 3, 1766, in Hist. Soc. Penn. MSS.

<sup>2</sup> Laurens to Rowe, April 20, 1765, in Hist. Soc. Penn. MSS.

<sup>3</sup> Laurens to Oswald, July 7, 1764, and April 27, 1768. Also a letter of Oct. 31, 1768. Laurens to John and Alexander Anderson, May 24, 1786. The exact connection of the 5000-acre tract which he and Gervais considered I do not know. In 1785 he speaks of his lands around Ninety-Six as 8000 acres.



my opinion you might have done very well without either of those carriages, and if you'll take my advice in a few words I would give the latter away rather than retain her another week. Verbum sat est sapienti. I like the purchase and your account of the cattle better than all except your crop which is upon a par with the other. How can you talk of exile, and cruel exile too, when you have a fine crop, fat cattle, good waggons and horses, and an Irish maid of about 40 years old, besides many other comforts not enumerated? Who but you would say—This is life indeed!<sup>1</sup>

Laurens's interests not only as an investor but as an enlightened citizen in this region, which was soon to contain a white population several times that of the parish region along the coast, made him a steady supporter of its inhabitants in their petitions for courts and other needful measures. The only court in the province except the justices of the peace sat in Charleston and there alone were the land office and probate court. As early as 1754 the back countrymen had begun their petition for relief and other needful measures; but, due at first to indifference and later to the determination of the ministry to protect certain placemen and to defeat the plan of an independent judiciary, which the Assembly sought to establish by securing the judges' tenure during good behavior instead of the King's pleasure, a court act was not secured until July 29, 1769, and not until November, 1772, did the first courts meet.<sup>2</sup> Laurens supported this law with great zeal and hotly denounced the self-interest of a few individuals who for the sake of a few pounds were willing to threaten thousands of their fellow subjects with anarchy.<sup>3</sup> During the same period his liberal views as a legislator were expressed in dissatisfaction with the free school law because the plan was too narrow, and in support of mitigating the punishment for horse stealing from hanging to whipping, branding or cutting off the right ear, all which he approved except the mutilation as part of the

<sup>1</sup> Laurens to Gervais, Sept. 1, 1766, in Hist. Soc. Penn. MSS.

<sup>2</sup> Smith, 136-8 *et passim*; Wallace, 25-9 *et passim*. The *Commons Journal* shows that as early as 1759 that house gave a circuit court bill a first reading.

<sup>3</sup> Laurens's *Extracts from the Proceedings of the Court of Vice-Admiralty*, 21-2; Laurens's *Appendix to Extracts*, etc.

punishment.<sup>1</sup> Such were his enlightened ideas while he was sneering at some at least of those who wished to exclude slave importations as hypocrites. Perhaps in addition to being disgusted at the selfish motives of some, his judgment was clouded by his own subtle selfishness as the owner of large unsettled plantations in need of labor and the unpleasant necessity of having to pay £600 currency for a "man who was good with rice and indigo."

To take up Laurens more specifically as a planter, his lands may be classed in three groups: first, the long-settled and highly cultivated plantations in the South Carolina low country, Mepkin, for rice and indigo chiefly; Mt. Tacitus, seventy-two miles north of Charleston on the Santee, for indigo; Wambaw, about thirty-five miles northeast of Charleston in the indigo country south of the Santee, and Wright's Savannah in the south of the province; second, his holdings along the Georgia coast (principally rice growing), Turtle River, Broughton Island, and New Hope opposite Broughton Island on the west bank of the Altamaha; and third, the large unsettled tract about Ninety-Six in upper South Carolina. His total holdings appear to have aggregated something like 20,000 acres.<sup>2</sup>

<sup>1</sup> Letter of Jan. 28, 1768.

<sup>2</sup> Laurens operated Wambaw with John Coming Ball before Ball's death. I infer that Wright's Savannah was on Wright's River, which runs into the Savannah at its mouth on the northern, or South Carolina side, between Turtle and Jones Islands. See *U. S. Coast Survey Chart, No. 440*. Broughton Island is about four miles long and two broad. It is just the shape of an old-fashioned shoe if you turn the map upside down, with the sharp toe pointing out to sea. It lies on the south side of the main branch of the Altamaha River about five and a quarter miles from the mouth, amid a network of rivers, creeks, sounds, and estuaries. See *U. S. Coast and Geodetic Survey, Bulletin No. 19*, on the Sounds and Estuaries of Georgia with reference to Oyster Culture, Projection No. 5; Washington, 1891. Projection No. 6 shows Turtle River which enters the sea through St. Simon's Sound. New Hope was near these. In 1787 Laurens advertised his Georgia lands for sale in England as follows:

1. The Broughton place of 1500 acres, for £2500 sterling.
2. The New Hope place, for £3500.
3. Also 1000 acres near the last named, for £500.

He began planting at Broughton Island in 1767, and the first year had as fine rice, corn, peas, hemp, and cotton growing there, he thought, as ever was seen anywhere; but only the rice and hemp were for market, the rest being experiments.<sup>1</sup> His intelligent interest in agriculture was constantly manifested in such experiments in varieties of crops, methods of culture, and labor-saving devices. Besides the staples indigo and rice, he raised at Mepkin corn, potatoes, peas, and hogs. January 15, 1768, he orders two bushels of the best cotton seed from Grenada in the West Indies. At a later date<sup>2</sup> he takes pride in importing the first seed of the tallow tree and thinks that it may prove a profitable industry. He never ceased during his stay in England and France from 1771 to 1774 to keep on the lookout for improvements in agricultural methods and appliances, where, he says,<sup>3</sup> he got valuable hints to put in practice at Mepkin and Wright's Savannah. He writes, October 13, 1767, that he is making very fine indigo and is securing a much better quality by a new arrangement he has, which also saves time and labor. It used to take 90 to 105 minutes to pump his vats full of water and cost "the labor of eight stout hands and the ruin of my horses"; but now he pulls a plug and fills them in ten or fifteen minutes. Laurens's ingenuity and business methods placed his plantations among the best. Said an intelligent observer:

He is a rare instance of method, whereby his plantation raises itself above those of this country in which everything is done immethodically by the round about means of force and labour.<sup>4</sup>

4. A tract on Turtle River and one or two town lots, for £1500.

The price, aggregating £8000 sterling, would be made £6000 to one purchaser, and these figures we must remember, were for that period of desperate business depression which seemed the prelude of hopeless and indefinite anarchy.

<sup>1</sup> Letter of Oct. 13, 1767. Gervais also tried hemp at Ninety-Six. The seed cost 60s. currency a bushel and the freight from Charleston 50s. a hundred pounds. <sup>2</sup> Letter of July 14, 1787. <sup>3</sup> 1772.

<sup>4</sup> Timothy Ford's MS. *Diary*, covering 1785-87, in the manuscripts of the S. C. Hist. Soc. For this passage, which appears to be for December, 1785, I thank Miss Mabel Louise Webber, the Secretary of the Society. For further quotation and notice of Ford, see pp. 424-5, and 425, n. 1.

All which helps to explain why Mr. Laurens became one of the wealthiest men in the prosperous province of South Carolina. But he hated indigo culture, he says in 1786, and will have no more of it about him. Perhaps this is partly the reason he resigned Mt. Tacitus to his son Henry about that time. The difficult character of the indigo culture as compared with cotton led to its gradual abandonment after the loss of the British bounty which had added to the planter's profits before the Revolution, not to speak of the effects of the invention of the gin in 1793. In 1786, his interest undulled by age, he was experimenting with the Chinese method of rice culture.

The enrichment of the successful planter in the period from 1730 to 1775 was very rapid, especially where he was so fortunate as to secure grants of good new lands whose productiveness went beyond expectation. Laurens writes, *e. g.*, November 14, 1768, that he will make at his Broughton Island plantation, though practically the first year of its being planted, four hundred barrels of rice (it came, however, to 450 barrels) and abundance of peas, corn, and potatoes, besides sawing lumber for buildings. In 1768 he killed sixty hogs at Mepkin. His practice being to raise nearly all his own food stuffs, the staple crops thus went almost entirely to profits; but some articles had to be purchased. Thus we find Laurens sending two barrels of salt fish to Mepkin (April 21, 1766), and again, 140 pounds of butter at a time—quantities which indicate that it was intended as food for the slaves. October 4, 1765, he sends 150 sour oranges for sick negroes. About September the overseers were to send down to Charleston all the negroes' measures for shoes<sup>1</sup> for the coming winter, and a little later the tailor was sent to the plantation to cut the winter clothes. Baby clothes frequently went up from the city to the plantation.<sup>2</sup>

<sup>1</sup> Letter of Sept. 10, 1766, in Hist. Soc. Penn. MSS.

<sup>2</sup> Laurens to Schad, Oct. 1, 1765, in Hist. Soc. Penn. MSS. There is some similarity of material here and in parts of Chapter V, where I gave a number of illustrations of Laurens's management of his slaves in order to illustrate his character. The primary purpose of the illustrations in

The proper management of large numbers of slaves presented trying problems of tact and business efficiency. Though the details were necessarily left to a great extent to the overseer, Laurens himself held a close rein, as the following typical directions to a new overseer indicate:

I have now to recommend to you the care of my negroes in general, but particularly the sick ones. Desire Mrs. White not to be sparing of red wine for those that have the flux or bad loosenesses; let them be well attended night and day and if one wench is not sufficient, add another to nurse them.<sup>1</sup>

With the well ones use gentle means mixed with easy authority first—if that does not succeed, make choice of the most stubborn one or two and chastise them severely but properly and with mercy, that they may be convinced that the end of correction is to be amendment.<sup>2</sup>

General principles were not all; the letters are sprinkled with directions for dealing with individuals by name, of which the following is a creditable instance:

“You say you don’t like him (a certain slave), but remember he is a human creature whether you like him or not.”<sup>3</sup>

The “blind tiger” was abroad even in that early day, nor does it appear that we have as yet discovered any satisfactory substitute for the old way of dealing with him:

Amos has a great inclination to turn rum merchant [Laurens writes his overseer]. If his confederate comes to that plantation, I charge you to discipline him with 39 sound lashes and turn him out of the gate and see that he goes quite off.<sup>4</sup>

Sly, smuggling negroes, often exercising leadership, were sometimes disciplined by being reduced from “patroon” of a boat or woman tending indigo vats or sheds to common

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the present chapter is rather to exhibit the life of the plantation than the character of the individual master.

<sup>1</sup> Does this indicate a hospital or nursing in their own cabins?

<sup>2</sup> Laurens to new overseer at Mepkin, May 30, 1765, in Hist. Soc. Penn. MSS. Such passages are numerous and often contain passages on the care of the health of slaves as detailed as a physician’s prescription.

<sup>3</sup> Laurens to Schad, Aug. 23, 1765, in Hist. Soc. Penn. MSS. Cf. instances in Chapter V.

<sup>4</sup> Laurens to Schad, 30 April, 1765, in Hist. Soc. Penn. MSS.

field hands—a treatment which the negro's pride of place still makes available to shrewd employers. The play of passion sometimes called for the sterner discipline of the magistrates and freeholders' court for slaves, as in the deadly jealousy between the sisters Isabel and Chloe, "both the wives of Mathias," but living on different plantations. The doctor said Chloe's sudden death was due to poison. Isabel had been heard to threaten the other woman, and the case was thoroughly investigated, though with what result does not appear. A very ancient and very modern bit of history.<sup>1</sup>

How the humane master regarded the feelings of the slaves is illustrated by the following directions for moving a number:

When you return to Wambaw order such six or eight of the negroes as you shall choose to march down to Fogartie's Ferry on the fourth day after you leave Wambaw, by which I mean that you should be in town two or three days before them. It will be kind in you and quiet their minds much if you will see all their little estates packed up. Take an account of them and give the strongest assurances that each man's property shall be safely delivered to them and on that account if you pitch upon married men their wives will give an eye to their respective goods.<sup>2</sup>

This considerate treatment was repaid by his rarely having a runaway; but it must be remembered that he made it a point to sell unruly subjects.<sup>3</sup>

<sup>1</sup> Laurens to Elias Ball, May 2, 1766, in Hist. Soc. Penn. MSS.

<sup>2</sup> Laurens to Rossel, April 8, 1766, in Hist. Soc. Penn. MSS.

<sup>3</sup> Laurens to Joseph Brown, June 28, 1765, in Hist. Soc. Penn. MSS. The following odd letter to one of Laurens's overseers, though its charge of cruelty appears to have been false, shows what was thought of inhumanity to slaves:

"STONO, 20th March, 1766.

"MR. WIGGINS—

"I am surprised you give your tongue a liberty to speak about me. I must only tell you your (*sic*) an impudent saucy fellow, and I shall tell you further if you dont behave in another manner, I shall gett you turned out of doors very soon. I am informed what a fine parcell of Company you keep, and must whip wenches till they miscarry. Let me give you a little advice keep a still tongue and mind your business.

"I am your's &ca

"JOHN JACKSON."

The overseer was always a troublesome problem. The planters could hardly expect to keep very capable men at the wages paid. Laurens, acting for a friend, names £180 to £240 currency<sup>1</sup> and keep and passage for himself and family as wages for an overseer for a forty-negro place in East Florida, and again £280 with the same perquisites for apparently the same place. He found one at the price to which he was limited, but not the first-class man he desired.<sup>2</sup> A man who was capable of managing would soon respond to the splendid inducements offered by the times by setting up as planter on his own account. For instance, Laurens writes, January 22, 1769, to Governor Grant that he is "at Mepkin plantation, where I have been for some days fixing a new overseer (the old one having grown rich and set up for himself.)"<sup>3</sup> The employer used such prospects to tempt clever men, and taught them the road to prosperity by pointing out to one, *e. g.*, how he might buy some negroes and let them to his employer for wages or on shares. "In that case he will be in a fair way to make a pretty livelihood and in a few years to do me great service and acquire an independence for himself."<sup>4</sup>

This businesslike merchant-planter held his overseers severely to account for every bushel of corn, every hog, and its weight and price. Be "very careful and exact in your measure (of corn)—distinguish in your acct. (*sic*) the quantities of plantation corn, your corn, negroes corn separately."<sup>5</sup>

After having assembled these vast estates and put their development well under way, Mr. Laurens, while still an active merchant, in 1766 or -7, was so modest as to say that he cannot be called rich, but is perhaps in a fair way to become

Laurens's letter book in Hist. Soc. Penn. MSS., p. 396. Loose talk seems to have been quite a common source of trouble. Laurens had to warn another overseer and his wife severely.—*Ib.*, April 9, 1766.

<sup>1</sup> £1 currency = 69½ cents.

<sup>2</sup> Laurens to Joseph Brown, Jan. 13, March 31, and April 25, 1766, in Hist. Soc. Penn. MSS.

<sup>3</sup> The parenthesis is Laurens's.

<sup>4</sup> Laurens to Joseph Brown, Oct. 4, 1765, in Hist. Soc. Penn. MSS.

<sup>5</sup> Laurens to Creamer, 25 Jan., 1765, in Hist. Soc. Penn. MSS.

so. Comfortable indeed must have been the situation of his brother James whom he describes as already rich. Yet among the great Carolina merchants and planters there were others more wealthy than these. The Revolution came on before he could fully develop the productiveness of his princely domains in Georgia. He says in 1787<sup>1</sup> that but for the war he would have been too rich, with "at least 10,000 guineas clear from Altamaha and Turtle Rivers" alone, an amount equal to at least \$75,000 of our present money.

Prosperity and success were checkered with domestic affliction. In both 1767 and 1768 he had the sorrow of losing a new-born infant. October 13, 1767, he says (and the next year also might have said essentially the same), "My poor old woman has been very sick, and this is the first of her appearance in the garden for near two months past." His ten-year-old daughter and his three boys of fifteen, six, and four years respectively were a great source of happiness. Of John, the oldest, he was very fond, and he thought with pride that one of his younger "sparks" had "more genius than is necessary to make a merchant." Worldly success was his so abundantly that he turned aside from two lucrative sources of becoming richer. By his fellow citizens he was universally respected and by many warmly beloved, all the more doubtless after the temporary loss of popularity on account of his bold adherence to his convictions in the Middleton-Grant affair and the Stamp Act troubles. The men who had abused him in 1761 and 1765, he says, were now, and without any special effort on his part, his friends, and by his sovereign he was offered honors he could afford to decline. Literature, society, and sincere religion rounded out the life of a man who was excessive in nothing—a right comfortable South Carolina gentleman.

<sup>1</sup> Letter of June 30, 1787.



## CHAPTER XI

### TROUBLES WITH THE COURT OF VICE-ADMIRALTY, 1767-68

IT was during the period just described that Laurens fell afoul of the royal government in the persons of the customs officers and the Court of Vice-Admiralty. Parallel with the growing assertion of self-government by the people of the colony had gone a progressive degeneration in the character of the placemen sent out to fill the offices in the gift of the crown. In 1764 the vulgar and tyrannical Boone had sailed away with his mistress, practically driven out of the governorship by the Commons whom he had insulted and who in return had effectually exposed him before his masters; the coarse and violent Skinner had likewise been driven from the Chief Justiceship; and a similar fate soon overtook several other placemen who mistook the character of the people over whom they had been sent to rule.

In May, 1767, Laurens sent the *Wambaw*, a schooner of hardly fifteen tons burden, to carry tools and provisions from Charleston to his new Altamaha plantation, nine miles from Frederica. There was no port of customs officer nearer than forty miles of the plantation, and the road by which he might be reached was said to be in such a condition as to endanger the life of the traveler. The customs officer at Charleston, as was customary in such cases, allowed the schooner to depart without requiring a certificate of permission to sail or a bond that she should land her "non-enumerated" goods at an English port.<sup>1</sup> (The reading of the footnote just cited will

<sup>1</sup> The English law enumerated a number of articles which could be shipped from the colonies only to some other colonial or British port and

make clear what follows.) The *Wambaw* took on a load of shingles as ballast and returned to Charleston. Here she was immediately seized by George Roupell, Searcher of Customs, at the instigation of his chief, Daniel Moore, the Collector, and haled before Judge Egerton Leigh, sole Judge of the Court of Vice-Admiralty, because she had not complied with the law by giving bond before leaving Georgia, even though, as the Judge himself remarked, the Deputy had by allowing her to depart without that formality implied that she might return in the same way.

The Searcher was mistaken, however; for Laurens, not intending to presume upon any leniency, had availed himself of the law which allowed bond to be given before a magistrate or "two known British merchants" where there was no custom-house, and had sent to Frederica, nine miles distant, and given the bond before two merchants, both of whom were also magistrates. The Collector, who was aiming to break the spirit of the Charleston merchants, offered to release the vessel if it were asked "as a great favour"—an offer which was refused. This failing, "a Hint was *kindly* given by ——— to her Owner's Friends—that her Chastity might be preserved by slipping away in the Dark"—a proposal which was indignantly spurned.

The vessel would doubtless have been acquitted, in view of the fact that the shingles had been taken on as ballast, had not Laurens volunteered the statement that they were not for ballast only, but were intended, after serving this purpose, to be sold. Notwithstanding all these facts, furnishing ample ground for Laurens's statement that "a case more pregnant with circumstances of equity never did appear before any

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required bond to be given by the shipper, which would be forfeited if the goods should be landed contrary to law. The fraudulent shipping of enumerated goods under pretense of the ship's being in ballast or having on board only non-enumerated articles led, 1764-6, to acts requiring a "non-enumerated bond" also, as it was called, for non-enumerated goods and in one of the acts even for empty ships. See 4th Geo. III., Cap. xv., §§ 23, 24, 28; 5th Geo. III., Cap. xlv., §§ 25, 26, and 6th Geo. III., Cap. lii., § 28.

court," September 1, 1767, the schooner was ordered sold, one-third of the proceeds going to the King, one-third to the Governor, and one-third to Mr. Roupell, and Laurens was required in addition to pay all "the costs, charges, and expenses of this suit," which, including the judge's fee of £277, equaled almost £700 (currency, I presume), or 50% above the value of the vessel.<sup>1</sup>

Laurens's sense of injustice was intensified by the fact that a French smuggler who had been convicted a few days previously before Judge Leigh was freed from all costs and the wages of the sailors were paid out of the proceeds of the sale, "to the great discouragement of mariners to continue in the smuggling business," Laurens remarked.

But this was not all. Along with the trial of the *Wambaw* went that of the Broughton Island Packet, another vessel by which Laurens had sent provisions to the same plantation during the summer. She had returned with logs and chunks, thrown in solely for ballast. The judge declared that, "like the two Dromios—they came in together and they must stand or fall together"; but he later made a distinction because the shingle ballast in the *Wambaw* was to be sold, and exactly a week after condemning the *Wambaw* acquitted the Broughton Island Packet as having been seized "upon a frivolous pretense." The owner was ordered, however, to pay two-thirds of the costs and Roupell, who had unjustly libeled the vessel, one-third. The case left the Judge £216, 15s. to the good.<sup>2</sup>

There were circumstances in the case which did not appear in the proceedings of the court. Moore and Roupell were as much chagrined at the clearing of the one vessel as was Laurens at the condemnation of the other; and herein lies a commentary on the character of the British placemen. Leigh held at this time by royal appointment the offices of Attorney General, Surveyor General, Member of the Council, and

<sup>1</sup> *Appendix to the Extracts*, 51.

<sup>2</sup> *Ib.* Leigh explained in the pamphlet controversy which followed in the next spring that he meant by the reference to the two Dromios no more than that the cases came in together in time and must be disposed of at the same time.

Judge of Vice-Admiralty, and in addition he conducted a private law practice. Compromising situations were inevitable, as occurred in the present instance. The disgruntled Mr. Moore stated openly that he had paid Judge Leigh for his legal opinion whether to seize the Broughton Island Packet and that Mr. Leigh advised that he should, and then as Judge astounded his client by acquitting the vessel and ordering his associate Roupell to pay one-third the costs—certainly a very poor return for a £50 fee. Nay, he freely declared that he would “overset the Judge.” Moore misrepresented the facts in saying that the fee was for advice in this particular case, for, as Mr. Leigh explained and Laurens was generous enough to confirm, the fee was paid some time before as a retainer for general legal advice—an arrangement of at least questionable propriety against which Mr. Laurens strongly advised his then friend Leigh. A rather sorry situation for the Judge of Vice-Admiralty to have to explain, even with the lax standards of the eighteenth century. Laurens did not fail to suggest that in earning his fee as an attorney he advised the seizure of the ship in order to get also his fee as Judge.<sup>1</sup>

These experiences of Laurens's were similar to the wrongs and extortions constantly inflicted upon merchants by Daniel Moore the Collector and Roupell the Searcher. He writes, September 5, 1767, to James Habersham, of Savannah, that the Collector was universally condemned and that he had caused more vexation to the merchants in the six months of his stay than all the King's officers since the beginning of the colony. He extorted illegal fees and when objection was made replied that he would defend himself in court with those fees: “I can sweat them at law with their own money.” “Good God!” exclaims Laurens, “is it possible for free men to bear

<sup>1</sup> Even if Leigh's statement that his counsel to Moore was hypothetical and did not amount to advice to seize, his case is still bad enough. Leigh also asserted in his pamphlet *The Man Unmasked*, 43-4, that he had told Moore in accepting his fee that he could not advise him in admiralty cases or criminal cases, as in the former he must act as judge and in the latter as prosecutor.

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this?" "Such officers," he continues, "are the most likely instruments to effect a disunion between the mother country and her American offspring." The abuses of a harsh commercial system were working their result. A man of conservatism, wealth, position, wide influence, than whom few could be less inclined to factiousness or rebellion, was speaking in 1767 of disunion as a possible result of a very real grievance. Writing again to Habersham on October 14th, Laurens maintains that this trouble is very significant. "There are," he says, "who would damn themselves to damn Americans."—"Americans," let it be noted.

Laurens was strongly urged by his fellow merchants to take the matter up with the ministry. The merchants accordingly, largely under his leadership, in October, 1767, forwarded to Charles Garth, the colonial Agent in London, to be presented to the ministry, a representation of the seizures and extortions of Moore. Though Laurens was able to deny that he was the author of the letter, he acknowledged that he was "closely engaged" in the matter and was one of the subscribers. Mr. Leigh, naturally quite willing to repay the turn of Mr. Moore, who had promised to "overset the Judge," even stooped to go privately to Mr. Laurens and recommend that the fact that the Grand Jury had just found a true bill for extortion be included in the merchants' paper, as "*this* will absolutely 'lay him upon his back.'" Laurens used the information, he tells us, with the same contempt for this betrayer of a fellow official as an officer feels for the deserter who brings him news of how to destroy the enemy.

The personal side of the dispute with Moore took a rather ludicrous turn. Laurens was provoked by the old man's insolence "to twist his nose." This harmless "unpremeditated" assault before a company of gentlemen was very useful to Moore, who, glad of an excuse to flee from prosecution for his extortions, magnified it into an attack by a mob which compelled him to leave the city for safety. He sent Laurens a challenge, to which, however, he did not stand, and in this flight from the province "barely escaped with life from shipwreck on

the Georgia coast."<sup>1</sup> In the summer of 1769 he was removed, thus adding another to the list of unjust officials whom the people of the little quasi-republic had driven from authority.

But to return to Roupell. The seizure of Laurens's two vessels had been so plainly prompted by a spirit of revenge in an officer who, nettled by complaints, had boasted that he would be "sweating the merchants before the summer was over," that Laurens sued for damages. In this comedy-farce of placemen, the same Mr. Leigh, who as Judge had declared Roupell's action to have been "upon a frivolous pretense," was found as the "transformed Judge" conducting his defense. Laurens was awarded £1400 damages, which Roupell was finally allowed to pay out of the public revenues.<sup>2</sup>

Roupell now harbored a still fiercer spirit of revenge and what he deemed a favorable opportunity soon occurred. In June, 1768, the ship *Ann*, owned by Laurens, William Fisher, the Quaker merchant of Philadelphia, and two English houses,<sup>3</sup> was loading with rice for Bristol. Laurens gave bond for the full cargo of rice and other enumerated articles and left for Georgia. During his absence the captain received on board a small quantity of rum, Madeira wine, cattle horns, and pink root, all non-enumerated goods. On being slyly informed of this by a fellow officer, Roupell, to afflict a merchant, refused to allow the oversight to be corrected, and exultingly declared that he would pay off the score of the damage verdict. The giving of bond after the loading of articles but before sailing was a regular practice countenanced by the wording of the law, and in fact had been done the day before in the case of Captain Maitland's ship; so that Roupell's action was scandalous in the extreme. Moreover it was the standing rule and practice that "when Bond is *given for enumerated goods* either in Britain or here," no bond was required for non-enumerated goods.<sup>4</sup>

<sup>1</sup> Laurens to Fisher, Oct. 27, 1767, in Etting Collection in Hist. Soc. Penn. MSS.

<sup>2</sup> Amount was finally paid out of "the American chest," says Laurens.

<sup>3</sup> Laurens to Fisher, Aug. 8, 1768, in Etting Col. in Hist. Soc. Penn. MSS.

<sup>4</sup> Laurens's *Extracts*, 21 and 22. On bond for non-enumerated goods, see note, p. 137, above.

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Roupell's friend and associate, says Laurens, even offered to secure the release of the *Ann* if Laurens would surrender his verdict for £1400—a rascally bargain with which he of course refused to have anything to do.

The case accordingly went into court. So notorious was the officer's motive that Judge Leigh took the very unusual course of forcing him, on pain of dismissing the suit, to take the "oath of calumny," an ancient and almost entirely unused form disclaiming any motive of malice. With shame depicted in every feature, Roupell stooped to this, and the case proceeded, only to the increase of his humiliation. The Judge eulogized Col. Laurens's integrity and expressed the opinion that the vessel had been "trepaned," and that there was "strong suspicion that there was more design and surprise on the part of some officers than of any intention of committing a fraud on the part of the claimant." Nevertheless the innocent owners were ordered to pay £100 sterling costs, about a fifth part of which went for the thrifty Judge's fee. Though castigating Roupell in open court, Judge Leigh did not fail to protect him by taking from Laurens and his partners their legal remedy of a suit for damages by certificating that the officer had acted justly and on probable cause.<sup>1</sup> Well might Laurens remark:

This last act of the Judge's proceedings, added to his Honor's total neglect of the Deputy Collector's untrue and evasive deposition, must increase the abhorrence of American subjects against the establishment and jurisdiction of courts of Vice-Admiralty in their present extent. . . . What claimant and owner, conscious of their own integrity, acquitted from all suspicion of fraud, "trepaned" and "surprised" by the custom house officers, thus cunningly dismissed with compliments upon their conduct and characters, with partial restitution, exorbitant fees, and with effectual bar against recovering satisfaction for damages, could refrain from expressing the highest dissatisfaction at the proceedings and final sentence of a double minded judge thus greedily running after the error of Balaam<sup>2</sup>;

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<sup>1</sup> Laurens cites cases of the same and other kinds in which Leigh as Judge protected his fellow-placemen from their just responsibility, one being supported by the testimony of the eminent merchants Gabriel Manigault and John Neufville.

<sup>2</sup> See Numbers, xxii-iv., where Balaam struggles between the duty to

or could forbear complaining as we complain against Judge and officers all, who, jugglers like, trick us and trick one another!<sup>1</sup>

Laurens and Leigh had been close friends, though the former's esteem for the Judge had suffered two severe shocks before this final rupture. One has been described in connection with the fee from Moore to Leigh, of which Laurens, whose opinion Leigh asked, so strongly disapproved. Leigh's other and more serious offense was his selfish and insincere conduct regarding the Circuit Court bill which had been in agitation for several years. When the bill was changed to raise the clerk's salary, Leigh (acting this time in his rôle of Attorney General) threatened over his signature and in conversation to secure the defeat of the measure in England if his salary was not similarly raised. Truly, as Laurens warned him, if he should for such a reason plunge half the province back into the perils from which it was about to be delivered, he would "be held in everlasting detestation." When he was forced to give up his judgeship in 1768 it was so much the more urgent that he should make up his loss in another direction, and accordingly the manuscript copy of the act of 1769 in the British Public Record Office shows his salary as £500 sterling—two and a half times what the Assembly's intention was at first.<sup>2</sup> It was unavoidable that after this, followed as it was by Leigh's "whispering about in different Places, that 'the Circuit Court Bill through *his means* would probably obtain the Royal

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speak the truth as the divine spirit commands and his desire to earn the gold of Balak by prophesying falsely.

<sup>1</sup> This account, except as indicated in the footnotes, is based upon Laurens's pamphlet, *Extracts from the Proceedings of the Court of Vice-Admiralty in Charlestown, S. C.*, 2d edition; Leigh's reply, *The Man Unmasked*, etc.; Laurens's rejoinder, *Appendix to the Extracts*, etc., and the *S. C. Gazette* of June 20, 1768. I found the *Extracts*, 2d edition, only in the Charleston Library Society; *The Man Unmasked* in the Congressional Library and in the Charleston Library Society, and the *Appendix*—author's presentation copy, but not to the library—only in the American Philosophical Society in Philadelphia.

<sup>2</sup> The S. C. records do not contain this act; the *Statutes at Large* by an error contain the vetoed bill of 1768, and Grimké's *Laws*, which gives the correct act, omits some of the sections as of no effect in his time.



Assent,''' Laurens should, as he tells us, have lost all respect for Leigh and have assumed an entirely passive attitude in their relations. The public break between the men was not, as has always been represented, simply the result of Laurens's chagrin at the Admiralty decisions.

The case of the *Ann* converted the coolness into an open breach. After this decision, Laurens asked the Judge that publishing an abstract of the case might not be considered a contempt of court. Leigh answered that he had no objection, provided Laurens would state that he did it solely to vindicate his own character; to which Laurens replied that, his character not having been impeached, it could not be supposed that to vindicate it would be his sole object. At this Leigh lost his temper and spoke of his power to ruin whole families and threatened to transfer his critic from the pleasant breezes of Ansonboro to the discomforts of the common jail, but ended by contemptuously telling him to publish what he pleased.

Laurens compiled the facts from the records. The part relating to the *Ann* he sent to his friend Fisher in Philadelphia, a joint owner, with an able paper entitled, "Some General Observations on American custom house officers and Courts of Vice-Admiralty," with directions to publish such parts as he saw fit. Attorney General Benjamin Chew of Pennsylvania and a number of leading lawyers in Philadelphia agreed with his remarks and recommended that Leigh should be exposed, and even Chief Justice William Allen of that province remarked upon the manuscript "that in his opinion the J—ge *did not stand very clear.*"<sup>1</sup> On such advice Fisher printed the *Observations* and parts of the *Extracts*. Laurens held his manuscript for five months until, late in February, 1769, convinced by the opinions of Chew, Allen, and many others, that it was not merely the expression of personal pique, he published it in pamphlet form as *Extracts from the Proceedings*.

<sup>1</sup> Laurens's MS. letters to Fisher in Etting Col. in Hist. Soc. of Penn. library, and *Appendix to Extracts*. Mr. Ernest Spofford of that library writes me that in 1768 the Attorney General of Pennsylvania was Benjamin Chew and the Chief Justice William Allen. Laurens simply gives the name as Chew.

*of the Court of Vice-Admiralty.*<sup>1</sup> Leigh replied, March 30, in a smoothly written but weak defense, *The Man Unmasked*. The *Observations* having arrived from Philadelphia in print, Laurens in April<sup>2</sup> published an enlarged edition of his *Extracts* with the *Observations* somewhat expanded, which he announced in a scurrilous advertisement. "Our Bilingual J—e," guilty of "falsehood, meanness, and treachery, even to a barefaced — deliberately and solemnly pronounced from the Bench for the truth," as Laurens proclaimed him in print, dared not sue him, he boasted, for fear of having the charges confirmed by a jury; but he disclaims any design "to follow that pole cat (and here those who desire his exact description of that animal, created chiefly, it appears, as a figure of contempt for fiery controversialists, must resort to the original newspaper) through all the filth exhibited in his scurrilous performance," for whom "The discipline of New Market" would be appropriate.<sup>3</sup>

About the first of July he fired another shot at Leigh in his *Appendix to the Extracts from the Proceedings of the Court of Vice-Admiralty*.<sup>4</sup> In this he refuses to acquit the Judge of being "more a fool" and convicts him, to his own satisfaction, of being a malicious vendor in "that 'immodest thing' a Lie," and concludes his review of his opponent's inconsistencies with the observation that "A fool and his words are soon parted."

In the spring of 1769 the inevitable challenge passed, but before the time of meeting Leigh excused himself because he

<sup>1</sup> Leigh in *The Man Unmasked*, pp. 118 and 150, fixed the date of the first edition of Laurens's *Extracts* as Feb. 23, 1769. Leigh had already ceased to be Judge, as will appear below, and hence could not punish Laurens for contempt, as some writers wonder at his not doing. It does not appear that Laurens's delay in printing was due to apprehension of punishment, however; for he waited several months after the resignation.

<sup>2</sup> Laurens's *Appendix*, 36.

<sup>3</sup> *S. C. Gazette*, May 25, 1769. Laurens wrote to a friend that had he not sent his copy to the printer so hurriedly he would have omitted the words "Billingsgate" and "polecat."

<sup>4</sup> Laurens to Fisher, June 26, 1769, in Etting MSS., Hist. Soc. Penn.

had been bound over to keep the peace, having applied, as Laurens sneered, to a very punctilious justice of the quorum to act as his second, as though seeking to be restrained.

The matter having turned to questions of personal integrity, Leigh refused to accept the fees in the cases of Laurens's vessels. Laurens in turn declined to derive a pecuniary benefit from his efforts in behalf of American rights, and so donated the amount, £480, 5 shillings currency to the South Carolina Society.<sup>1</sup>

What remains of the personal incidents may be briefly concluded. Before printing, Laurens had already sent his account to influential persons in England, who exercised themselves for Leigh's removal, and the aggrieved Collector Moore had also sworn "to upset the Judge." The ministry acted with surprising promptness in stating to the plural office-holder that he must give up either his position on the bench or as Attorney General, and as early as November 9, 1768, Laurens was able to sneer at the "late Judge in his voluntary resignation all in a hurry." He was a greedy, coarse, and filthy wretch, more unsavory than his unsavory father who discredited the South Carolina bench before him and to whose disreputable connections which secured his appointment Christopher Gadsden did not hesitate to call attention (1767) in open Assembly.<sup>2</sup> In driving the second Judge Leigh from the bench, Laurens furnished another proof of the power of the province in its own government.

Laurens sent his pamphlet, with long, earnest letters, to his correspondents in America, the West Indies, and England. I have "sent copies," he writes, March 4, 1769,

to many of the Carolina merchants, . . . the Customs House, the Treasury, the Board of Trade, and to several great personages, naves, felines, and spokes in the grand governmental wheel. *These*, or some of *these* I am sure will perceive that they are turning upon a bad axis that common greasing will not answer the purpose long; there must actually be repair and amendment performed or the machine will very soon tumble to pieces.

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<sup>1</sup> Laurens's letter to the Society, Sept. 19, 1769.

<sup>2</sup> Laurens's *Appendix to Extracts*, 20. On the elder Leigh's character, see above, p. 103, n. 3.

He was thoroughly aroused, but more strongly, he says, because particularly at the present critical juncture of affairs the matter was of the utmost importance to all America. He was outraged at the petty tyranny of customs officers, for some of whom, he declares, nothing but a halter will do; and more so at the conduct of Vice-Admiralty courts, within whose disposal men's property lay at the discretion of a single judge without a jury. Laurens, being warm and quick by nature, as well as disciplined and systematic, felt hot anger too. Throughout he bore himself as the representative of a just and worthy cause, a cause which Chatham, Burke, and the Continental Congress were later to take up in attempting to remedy what they considered one of the most material grievances of the colonies.<sup>1</sup> Not only was he deeply moved to the defense of American rights in this clash with the customs officers and courts, but it was the first time that his emotions were deeply stirred for American as distinct from British liberty. To Thomas Smith, of London, he wrote, August 8, 1769:

Gentlemen may look upon this matter as the effect of a quarrel between Mr. Leigh and Mr. Laurens; but they are quite mistaken who think so. If nothing but my own interest or nothing but resentment had prompted me to write, my pen should have been otherwise employed than to gratify either; but I tell you the enormous created powers vested in an American Court of Vice-Admiralty threatens future generations in America with a curse tenfold worse than the stamp act; [and he urges that Parliament should provide trials by jury or at least assistant judges].

To Governor James Grant, of Florida, he wrote, January 22, 1769, in promising soon to send a copy of the matter in print, this

will contain a better answer to your Excellency's observations upon troops, Liberty Boys, American disputes, violent measures, &c., than any that I can just now offer. If Great Britain would fix a pack upon the unbroken steed she should at least have employed skillful hands to make the first attempt to put it on the timorous creature. The wretches employed to carry the grievous laws into execution—I mean the pilfering and most grievous parts of them—are justly complained of everywhere—*here*, from the Deputy

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<sup>1</sup> Lecky, vi., 167-8.

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Collector downwards to a man. They are strongly described by the character of those miscreants who were driven out of the Temple by Jesus with a scourge of small cords.

The incident stirred the community deeply and is not to be discounted in summing up the causes which prepared the people of the coast country for separation from England. It fitted so aptly with the Boone contest, the Stamp Act excitement, and the conflicts which were to occupy the next six years as to form part of a steady drifting towards independence in which the assertion of Carolinian as distinct from general American liberties played so large a part.

## CHAPTER XII

### THE TOWNSHEND LAWS AND NON-IMPORTATION, 1767-70

WHILE the vexatious prosecutions detailed in the last chapter were occurring in South Carolina, illustrating the working of the English control of colonial commerce, the system was being made more drastic and extensive by the passage of Charles Townshend's measures of taxation and coercion. The way in which this daring and brilliant politician usurped the leadership of the ministry forms a dramatic and disastrous episode in English history. Pitt in 1766 had formed a ministry with Conway as Secretary of State, Camden as Lord Chancellor, and Shelburne as the Secretary of State in charge of the colonies, all strong friends of America. With these was associated as Chancellor of the Exchequer the most erratic, and one of the most brilliant, of the parliamentary leaders, Charles Townshend. Pitt, in failing health and translated as the Earl of Chatham to the House of Lords, was soon incapacitated even to correspond from his sick room with his colleagues. Grafton, to whom he passed his authority in the spring of 1767, was unable to cope with a subordinate of the ambition, eloquence, and popularity of Townshend, who, seizing the opportunity to usurp the leadership, with contemptuous disregard of his colleagues launched before a delighted House of Commons his plan of raising a revenue in America and coercing malcontents into submission. His colleagues, embarrassed and cowed, unable to expel him and too timid to resign, allowed him, by a series of measures of which they disapproved, to commit the government to a policy which they were convinced would lead to disaster.

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In 1767 Townshend introduced his measures for imposing import duties in America on glass, paper, painters' colors, red and white lead, and tea, and for enforcing vigorously the commercial laws. The subsequent history is familiar. Non-importation agreements were early formed in New England and New York and intercolonial correspondence and co-operation were revived in a much more formidable extent than during the Stamp Act agitation.

February 11, 1768, the lower house of the Massachusetts legislature dispatched through their Speaker a circular letter to the Speakers of every other colonial Assembly, expressing their conviction of the unconstitutional character of Parliamentary taxation of America and inviting coöperation in securing its abandonment. The Virginia House of Burgesses took up the cause and in like manner addressed the sister colonies. These letters were received by Peter Manigault, Speaker of the South Carolina Commons House, and were presented to the newly elected Assembly in November, 1768. Before receiving these appeals the South Carolina Commons had taken another mode of redress by directing Charles Garth, their Agent in London, to coöperate in every way with the other colonial agents for repeal. Further than this there had appeared up to this time no tendency to go. It is interesting to note, however, that there had been clearly discernible in the politics of the province for many years two roughly defined groups of progressives and conservatives. Their alignment into hostile camps under the impulse of British aggression was only carrying towards their logical conclusion forces whose conflicts had made up much of the history of the province since its origin. The rank and file of the progressives were made up largely of the city mechanics; but they had the advantage of the brilliant and daring leadership of the planters Thomas Lynch, Rawlins Lowndes, George Gabriel Powell,<sup>1</sup> the lawyers James Parsons and John and Edward Rutledge,<sup>2</sup>

<sup>1</sup> Colonel Powell appears to have been a planter, but I must say that I am not positive as to this.

<sup>2</sup> Though John Rutledge later became the mainstay of the conservatives when the issue was changed to separation from England, he now acted

and above all of the merchant Christopher Gadsden. The wealthy merchants and landowners fell naturally into the more conservative group. Their prominent representatives, devoted to colonial liberty, but more moderate in their methods, were Peter Manigault, Henry Laurens, Charles Pinckney, William Wragg and the impetuous young William Henry Drayton, all noble alike in character and intellect.

Laurens, though by both nature and training a conservative, had always opposed by constitutional means all aggressions upon the rights of America. His tendency to support the government unless forced conscientiously into opposition is shown by his saying, February 27, 1768, when the not very competent Montagu was executive and the Council was far gone downwards, that we have a very good Governor, "*a very good House of Assembly*, and the Council were always good"; and we recall his impatience with radicals like Gadsden. Though always by constitutional means opposing aggressions, he had never until his experience of 1767-8 with the Court of Vice-Admiralty known what it was to feel the deep fires of indignation against violations of American liberty. From that time on he thought and said such things as he had never said before. It was for him the birth of a new Americanism. Of the recent aggressions of Townshend through the medium of the commercial system he wrote, almost like a Gadsden or an Adams:

The cloud is gathering thick in the north and will soon spread over America if not dispelled by wise measures in Britain. New England is in arms; New York slumbers but will not sleep if there shall be a necessity for her appearance. Pennsylvania is divided, but the most powerful part is on the side of liberty. Maryland, Virginia, and North Carolina are confirmed in their principles declared in 1745<sup>1</sup> and will support them in 1768. South Carolina and Georgia, weakest sisters, will not subscribe to the right of a British Parliament to lay internal taxes upon America, and though feeble, have gathered strength among themselves—will be keen in asserting their liberty and sullenly and stubbornly resist against all ministerial mandates and admonitions. Men of war and troops are actually arrived at Boston and a few days more will inform us how they are

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with the advanced party. Instances appear of two and three changes of relative position among the leaders of the period as the situation changed.

<sup>1</sup> Error doubtless for 1765.



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received by the people of Massachusetts. I think Governor Bernard is caught in a snare. He had certainly a difficult task to perform, but he has not discovered either a good heart or an unfathomable depth of policy. I have some doubts of the safety of his person.<sup>1</sup>

Writing, May 29, 1769, Laurens says:

I never heard of so diabolical project in all history as that of abandoning us "to run into confusion for want of Assemblies"; *it can never be so*; that report must be the maggot of some pseudo-politician out of doors.<sup>2</sup>

The inner mental history being enacted with Henry Laurens is typical. All up and down America England was dissolving the devoted attachment to her of the best friends of conservative, orderly, constitutional liberty—men who loathed every form of lawless riot, but who hated still more every encroachment upon their freedom and self-government.

The division of the South Carolinians into progressives and conservatives was illustrated by the attempt of the former to control the October, 1768, election in the two Charleston parishes by means of a well-organized "primary" for nominating their candidates. The mechanics, who, like the merchants and the planters, had come to be regarded as a distinct faction, at a great mass meeting on October 1st named by popular vote their candidates for the election which was to occur on the 6th and 7th and thus attempted to rally their whole strength to a prearranged party ticket. "To-day," writes Laurens to his old friend Governor Grant, "a grand barbecue is given by a very grand simpleton,<sup>3</sup> at which the members for Charles Town are to be determined upon. Therefore if you hear that I am no longer a Parliament man, let not your Excellency wonder; for I walk in the old road, give no barbecue, nor ask any man for votes."

<sup>1</sup> Laurens to McIntosh, Oct. 15, 1768.

<sup>2</sup> "Bernard had hinted that instructions might be given to forbid the calling of the Assembly even at its annual period in May; and to reduce the province to submission by the indefinite suspension of its legislature."—Bancroft, vi., 194.

<sup>3</sup> I can hardly doubt that Christopher Gadsden, Laurens's aversion and the favorite of the mechanics, was the "very grand simpleton" who gave the barbecue.

The nominations having been made at "Liberty Point," the party "removed" to the noble oak in Mr. Mazyck's pasture, which they proceeded formally to dedicate "the Liberty Tree," because of a company of twenty-six having pledged themselves there in the fall of 1766 to the defense of American liberty. They then partook of the barbecue, "provided, it seems, by some of the candidates," says McCrady, toasted "The glorious ninety-two anti-rescindors of Massachusetts Bay," and urged the South Carolina Assembly for whose election they were preparing to stand true.<sup>1</sup> Laurens was placed in nomination in the primary, but was defeated. Nevertheless at the regular election he was successful, and was even able to give up twenty of his supporters to help a friend. In the aristocratic up-town section of St. Philip's two-thirds of the mechanics' ticket were defeated; in St. Michael's two-thirds were elected.

The platform of the advanced party in South Carolina included the defense of the liberty of the subjects of the crown in England as well as in America. They opposed any violation of constitutional freedom as calculated to lead to the subversion of the liberties of all the inhabitants of the empire. They therefore felt a strong interest in the cause of freedom of speech and election as represented in the person, as the extremest ones expressed it, of "that intrepid patriot John Wilkes." Wilkes was a vulgar fellow personally unworthy to represent any good or great cause, but this was an accident which the South Carolinians would not allow to obscure the essential principles at issue. "Club No. 45" was organized in Charleston and carried on a regular propaganda. In the celebrations of "the friends of liberty" during the exciting years following in 1768, 45, drawn from the number of the *North Briton* for the publication of which Wilkes was prosecuted, was always joined with those others, 92 and 26, indicating respectively the Massachusetts representatives who voted against rescinding the February circular letter opposing Parliamentary taxation and the South Carolina Commons who supported them. Forty-five lights, forty-five

<sup>1</sup> McCrady, ii., 604; *S. C. Gazette*, Oct. 3-10, 1768.

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bowls of punch, ninety-two glasses, and twenty-six toasts served to remind the convivial patriots of the principles for which, as the occasion demanded, they either stood or rolled under the table.

The new Assembly met November 16, 1768. Governor Montagu, in obedience to the instructions to the executives of all the colonies, urged the Commons that, should they receive any paper having the smallest tendency towards unwarranted combinations or opposition to the authority of Parliament or King, they would treat it with the contempt it deserved. The Governor's address and the circular letters from Massachusetts and Virginia were referred to committees consisting in both instances of Messrs. Parsons, Gadsden, Laurens, Pinckney, Rutledge, Lloyd, Elliot, Lynch, and Dart.<sup>1</sup> On the 19th they reported that the House would certainly treat any letter or paper in the least opposing the just authority of Parliament or tending to inflame the minds of the colonists against their sovereign with the contempt it deserved, but that no paper having the slightest tendency in this direction had come to their attention. The circular letters were endorsed as "replete with duty and loyalty to His Majesty, respect for the Parliament of Great Britain, sincere affection for our Mother Country, tender care for the preservation of the rights of all His Majesty's subjects, and founded upon undeniable Constitutional Principles," and addresses in this sense to the King and Massachusetts and Virginia were recommended.<sup>2</sup> The Commons ordered that all the papers, resolutions, etc., be published. Hardly was this resolution taken, by the unanimous vote of the twenty-six members present, when the Governor indignantly dissolved the Assembly.<sup>3</sup> Another

<sup>1</sup> Smith, 362.

<sup>2</sup> *Ib.*, 363.

<sup>3</sup> Gen. McCrady supposes that the sentiment of the Assembly was in fact not truly represented by this vote and bases his opinion upon the facts that there were only twenty-six of the forty-five members elected present, that they represented the city and neighboring parishes, that their action was so vociferously applauded, and that Speaker Manigault alludes in his letter to Speaker Cushing to "the minority." These doubts do not appear to me to be well grounded. As Gen. McCrady says, "the Commons were seldom prompt in forming a House." He might have added that even

was elected in the following March, but was not allowed to meet until June.

The form taken by the opposition to the Townshend revenue acts was a non-importation association. The Boston town meeting on October 26, 1767, adopted resolutions to this end and other colonies followed; but little was accomplished until the year 1769. In May of that year Virginia adopted the plan and on July 3d, South Carolina. On that day the mechanics of Charleston met at Liberty Tree and the merchants at Dillon's tavern and adopted the following which was to be circulated throughout the province for signatures:

That until the repeal of the unjust acts of Parliament the signers would abide by the following resolutions:

First, the use of American, and particularly South Carolina, manufactures should be promoted to the utmost.

Second, except goods already ordered, nothing should be imported from England besides negro cloth, duffle blankets, osnaburgs, plantation and workmen's tools, powder, lead, shot, wool, cards, card ware, printed books, and pamphlets.

Third, the utmost economy should be practiced.

Fourth, non-signers were to be boycotted and treated as no friends of the colony.<sup>1</sup>

On July 22d non-importation was extended to all goods from any country whatever, negroes were added to the forbidden list, and a committee of thirty-nine, representing equally the merchants, planters, and mechanics, was appointed to enforce the agreement.

Laurens, helped doubtless by the change of heart he had experienced in 1768, fully approved of this system of non-importation. Being strongly imbued with respect for law, he condemned the rioting and other violence by which the opposition to the Stamp Act had been so largely conducted, and

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in the case of the next House, elected under the stress of unusual excitement, they were adjourned from the 15th to the 26th of June for lack of a quorum. That there was some dissent in the province is certain, but the feebleness of the opposition rallied by Wragg and Drayton would seem to be a more accurate measure of its extent than the enthusiasm of the majority.

<sup>1</sup> McCrady, ii., 646.

always urged instead peaceful petitions and commercial non-intercourse. This policy involved the sacrifice of his interests as a merchant, but he preferred it to the rule of the mob. September 10, 1770, after he had time to observe the disadvantages and hardships of the scheme, he wrote to Richard Oswald approving it as constitutional resistance to the unconstitutional measures of the ministry and contrasting it favorably with the lawlessness of 1765; and England, he continues, must repeal, not only the tea duty, but *all* the grievous acts. He was chosen to preside at the mass meeting under the Liberty Tree for enforcing the agreement, May 14, 1770, and again at the great final meeting at the same place, December 13th following, when South Carolina, the last colony to abandon the plan, found it necessary to give up non-importation except as to tea.<sup>1</sup> Until his departure for England in 1771 Laurens was continually warning his English correspondents that unless the mother country receded from her position, most serious consequences would ensue. But we must remember that no more in this matter than in others was Laurens of the extreme or violent faction. His well-known character for law-abiding moderation marked him as not suitable for the rough-shod methods, so often mingled with heartless injustice, of the actual enforcement of the non-importation rules. When seeking in 1781 to represent his attitude as having been as little offensive as possible to England, he wrote of himself:

Although he enjoyed the universal esteem of the people as an honest Man and was class'd among the most wealthy, he was not held to be a fit person in any Committee for enforcing these Resolutions. "He was a King's Man and had a predilection to Great Britain"

It is true that the non-importation association was very ineffectual and that its enforcement was sometimes unfair towards the weak, and cringing towards the strong; but still, I think, the plan has been too much disparaged. New York

<sup>1</sup> McCrady, ii., 668 and 679.

<sup>2</sup> Laurens's petition to Ministry, June 23, 1781; given below in Chapter XXIV.

was estimated to have cut down five-sixths of her imports, New England and Pennsylvania one-half, while it was asserted in Parliament that the Southern colonies had actually increased their importations. However, the exports to the colonies dropped from £2,378,000 in 1768 to £1,634,000 in 1769,<sup>1</sup> and this loss, together with the danger to the empire of such an organized agitation against the policy of Parliament, was very largely instrumental in securing the repeal of all the duties except that on tea. Neither should it be forgotten that the attempt at economic independence and the preservation of local rights was a strong influence in promoting the movement in South Carolina in 1769-70 for a system of schools and colleges and in an effort at the same period to establish the manufacture of flour. Moreover the organization, correspondence, and habit of concerted common action by which it was conducted were among the most valuable preparations of the people for the more difficult task of later carrying through a successful revolution without the overthrow of orderly government. What the Americans could best have done had they not used non-importation as a means to their end and what in that case would have been the result, is very difficult to say; but, taken all in all, it is not easy to prove that any better policy was feasible.

<sup>1</sup> Lecky, iv., 135.

## CHAPTER XIII

### THE WILKES FUND DISPUTE AND THE ALIENATION OF SOUTH CAROLINA FROM THE ROYAL GOVERNMENT, 1769-74

AS we have already seen, there was another subject of popular enthusiasm intimately connected in South Carolina with the non-importation agitation, namely the cause of a free press, free elections, and popular self-government as represented in the issues of the John Wilkes case. The Wilkes fund dispute, extending from 1769 to the outbreak of the Revolution, constitutes one of the most important incidents in the constitutional history of South Carolina and demands explanation in all its phases. Familiar as his history is, it is necessary here to recall briefly how Wilkes came to be so prominently connected with the struggle for constitutional government in England and also in South Carolina. Wilkes lived during a period when public and private morals in England were at a low level. He was a man of courage, coolness, love of liberty, and withal of rather keen intelligence. Perhaps he would have been a bad man in any age; certainly he was a thorough representative of the most filthy stratum of the fast society of his time. But despite all this, "he became," says Green,<sup>1</sup> "the chief instrument in bringing about three of the greatest advances which our constitution has made." In 1763, being then a member of Parliament, he published in No. 45 of the *North Briton* a criticism of the King's speech at the closing of Parliament, an utterance which for years it had been the custom to regard and criticize as the utterance

<sup>1</sup> *History of the English People*, iv., 215.

of the Prime Minister. But George III. was just then getting under way his plan of reëstablishing the personal authority of the sovereign which had been lost at the expulsion of the Stuarts. He therefore determined to punish Wilkes for criminal libel. From first to last the government grossly violated the most dearly bought rights of Englishmen in its determination to crush this personal enemy of the King and so made him the hero and rallying point for constitutional liberty. At the King's order a Secretary of State issued a general warrant for the arrest of "the authors, printers and publishers" of the offending paper. After being closely confined in the Tower and denied consultation with his lawyer, Wilkes finally succeeded in appearing before the Court of Common Pleas on a writ of *habeas corpus*. His arrest was declared illegal by the entire bench, and the court decided three important points, all in Wilkes's favor: first, that the privilege of a member of Parliament protected him from arrest during the session except for treason, felony, or breach of the peace, none of which a libel could be called; second, that "warrants to search for, seize, and carry away papers" on a charge of libel were illegal; and third, that general warrants not naming the person to be arrested were illegal.<sup>1</sup> Defeated in the courts, the King, by means of his subservient party in Parliament, secured Wilkes's expulsion from the House of Commons. A prosecution for blasphemy was instituted, based upon an indecent poem of which Wilkes had printed about a dozen copies for private circulation, the existence of which had been discovered from the papers illegally seized and a copy afterwards obtained by bribery. The suit for libel was also renewed. Wilkes, absent in France, was convicted on both charges, and since he did not appear to receive sentence, was declared an outlaw. Popular feeling was deeply aroused by the tyrannous and unlawful conduct of the ministry and an easy career opened for Wilkes. In 1768 he returned to England and was triumphantly elected to Parliament for Middlesex. A few days later the sentence of outlawry was declared illegal by Lord Mansfield on technical grounds and Wilkes

<sup>1</sup> Lecky, iii., 247.



received his sentence of twenty-two months' imprisonment and £1000 fine.

Popular fury, rendered dangerous by long-continued coarseness of society and incompetence of government, now rose almost to the point of revolution; the lives of the ministers were in jeopardy, and obscene and scurrilous lampoons upon members of the royal family became the order of the day. Lord Mansfield feared rebellion in ten days, and Franklin said that "if Wilkes had possessed a good character and the King a bad one, Wilkes would have driven George III. from the throne."

But for the determination of George III. to pursue the man who had dared to criticize his policy, Wilkes would now have been left to serve his sentence and resume his seat in Parliament; but the King ordered that he should be crushed.<sup>1</sup> Accordingly, on February 3, 1769, he was a second time expelled. On the 16th he was unanimously reelected from Middlesex, and was the next day declared incapable of sitting in the existing Parliament. March 16th he was again unanimously reelected, but was refused admission. The Government now induced Colonel Luttrell to run against him. Luttrell received 296 votes and Wilkes 1143, the Middlesex electors thus for the fourth time asserting their determination to have a representative of their own choice.

Wilkes's cause was taken up by Chatham and others of the most prominent statesmen in the country. He was elected successively alderman of London, Sheriff, Lord Mayor, and finally in 1774, again member of Parliament. From the general warrant for libel in 1763 to the crash of George III.'s policy of personal authority in 1782, the Wilkes affair was one of the most important incidents, involving some of the gravest issues of the struggle; and, as unsavory as was his personal character, it was necessary that he be sustained if the principles of constitutional liberty were to be preserved.

It is no better than the ostrich's hiding its head in the sand for us to seek to minimize Wilkes's importance from dislike of his character. Says Lecky: "He had also done more than

<sup>1</sup> Lecky, iii., 318.

any other single man to unite a divided and powerless Opposition; and to mark out the lines of political parties."

The Middlesex election for the first time brought (the corrupt constitution of the House of Commons) into open opposition to public opinion. The year 1769 is very memorable in political history, for it witnessed the birth of English Radicalism, and the first serious attempts to reform and control Parliament by pressure from without, making its members habitually subservient to their constituents. . . . A multitude of small political societies, under the guidance of local politicians, were accustomed to meet at different taverns in the City; but they were soon absorbed or eclipsed by a great democratic association called the Society of the Supporters of the Bill of Rights, which was founded in 1769 for the purpose of assisting Wilkes in his struggle with the court, and of advocating political changes of the most drastic character. . . . A long series of tests were (*sic*) prepared to be offered to candidates at elections. Every candidate was required to aim at a full and equal representation of the people in Parliament, annual Parliaments, the exclusion from the House of Commons of every member who accepted any place, pension, contract, lottery ticket, or other form of emolument from the Crown; the exaction of an oath against bribery; the impeachment of the ministers who had violated the rights of the Middlesex freeholders, and instigated the "Massacre" of St. George's Fields; the redress of the grievances of Ireland, and the restoration of the sole right of self-taxation to America.<sup>1</sup>

One of the results of this movement [continues Lecky] was, that the Whigs were compelled, though slowly and timidly, to identify themselves with the question of Parliamentary reform.

Moreover this Bill of Rights Society took an active part in supporting the movement in 1771 which marked the final triumph of the freedom of the press to report the debates in Parliament, and thus identified itself with what Lecky declares to be perhaps "the most momentous of all events" of the eighteenth century.<sup>2</sup>

Certainly there was something of the highest importance at stake here, and the action of the Commons of South Carolina in throwing themselves actively into a struggle among whose aims were the reform of the Parliament to which they were subject and "the restoration of the sole right of self-taxation

<sup>1</sup> Lecky's *England in the Eighteenth Century*, iii., 372-4.

<sup>2</sup> *Ib.*, iii., 480 and 483.

to America" was something more than meddling in a personal dispute between Wilkes and the King with which they "had no concern whatever."<sup>1</sup>

The Society for the Support of the Bill of Rights sent appeals not only over England, but to the colonies as well. In Charleston they met with a hearty response, where "the friends of liberty agreeable to the English Constitution," as they described themselves, organized into "Club No. 45."<sup>2</sup> The application of the society in England for aid was kept secret, says Lieutenant Governor Bull, until the advanced party in the Assembly were ready to act. On the last day of their session, December 8, 1769, the Commons ordered the treasurers to advance to a committee of the House the sum of £10,500 currency to be sent to England "for the defense of British and American Liberty."<sup>3</sup> The committee promptly discharged their task by sending London exchange for £1500 sterling. Lieutenant Governor Bull notified the ministry of this action and there was begun a controversy unprecedented for bitterness in the history of the province, which still raged when superseded by the Revolution.<sup>4</sup>

The conduct of the Commons raises a number of serious questions. Was their action legal? If not in accord with strict legal forms, was it in line with established custom? Apart from questions of legality, was it justifiable in its objects?

At the direction of the ministry Attorney General William de Grey in London and Lieutenant Governor Bull in South Carolina investigated the constitutional history of the province since the charter of 1662 to ascertain whether by any possible construction legal justification existed for the action of the Commons. De Grey's report, presented February 13, 1770, is a strict legal argument, entirely ignoring the part which

<sup>1</sup> McCrady ii., 663; 690 *et passim*.

<sup>2</sup> S. C. Gazette, Dec. 2, 1772.

<sup>3</sup> McCrady, ii., 662; Wallace, 62.

<sup>4</sup> No other colony contributed, and so far as I know, no individuals in America. According to the statement of the Society in London, £18,821 sterling of Wilkes's debts were paid off or compounded and £4973 fines and election expenses paid. See Almon's *Wilkes*, iv., 10-14, v., 42.

historical development might have played in evolving an unwritten constitution of precedent and custom. He assumes that the royal instructions to Governors constitute a rigid written constitution whose supremacy places it beyond modification by precedent or custom. But one conclusion was, therefore, possible: that the Commons and Council were absolutely coördinate in their authority over money bills as well as all other legislation and that the action of the former in ordering the money paid to their committee and of the treasurers in paying it was unlawful.

Lieutenant Governor Bull's report is much more interesting to the student of institutions. To the bald conclusions of De Grey, with which he agrees as to the letter of the law, he adds much historical information. Bull's own life, so intimately associated for many years with public business, covered much of what he described, and he could, therefore, throw light on the delicate and constantly shifting organism of constitutional development which it is impossible to obtain from legislative journals. The legal method of appropriating money, Bull explained, was by a bill passed by the Commons and Council and signed by the Governor. In pressing emergencies, however, when the delay incident to three regular readings, etc., might prejudice the public interests, the strict formalities of the law had sometimes been waived by common consent. The first departure was for each house to pass and the Governor to sign a simple resolution voting the money, the Commons at the same time resolving to replace the sum by the next tax bill. The practical control of finance having been virtually surrendered after a long struggle to the Commons, how natural that the still more expeditious method should sometimes be employed of the Commons alone ordering the treasurers to pay specified sums into the hands of the Governor, resolving, as before, to replace it in the next tax bill. Of late years, says Bull, even one more step had been allowed to go unchallenged because of the propriety of the object or the reluctance to precipitate a struggle between the two houses on the subject of money bills, namely, for the Commons to order the money to be paid to a committee of their own

number, with the usual resolution to replace it by the regular budget.<sup>1</sup>

This was only one of the many encroachments which the Commons of South Carolina had made upon the authority of the Governor and Council. The constitution of the province was in a state of growth, just as that of the mother country, and the Commons in the one case were as tenacious as in the other to maintain the last position of advance as the measure of their rights. To prove the absence of legal basis for the claims of the South Carolina Commons is not the conclusion of the whole matter; it is another of the instances of the general causes of the American Revolution: law and justice had diverged, and no one of sufficient wisdom and patience appeared to get them together again.

Having considered the rights of the Commons in law and custom respectively, we may briefly notice the merits of their action in its broader aspect. If the bald question is put, Should they have sent the people's money to England to pay the debts and prison expenses of John Wilkes? only one answer is possible. But such a treatment of the case is inadequate and unfair. Wilkes in 1769 was not a private person. On the contrary he represented more vitally than any other man then living the principle of self-government and Parliamentary reform as against the system of absolutism and corruption which George III. was striving to establish. It is not correct to state, as does General McCrady,<sup>2</sup> that "The Society of the Supporters of the Bill of Rights" was nothing more than an association to raise means to pay the debts of John Wilkes and to provide for his support and his expense while imprisoned." The vast majority had no affection for Wilkes or even knowledge of him save as the representative of constitutional liberty *versus* tyranny. Lecky much more correctly states that the Society "was founded in 1769 for the purpose of assisting Wilkes in his struggle with the Court, and of advocating political changes

<sup>1</sup> Wallace, 59-60, quoting Bull in the *MS. Public Records of S. C.*, xxxii., 132.

<sup>2</sup> *ib.*, 663.

of the most drastic character."<sup>1</sup> As to appropriating money for the payment of his debts, let us recall that one of the weapons of the Court was to secure Wilkes's imprisonment for debt, and so crush its most dangerous critic, together with the political issues he represented. The cause of constitutional liberty in England and America in 1769 was the same cause. The corrupt, subservient, and unrepresentative Parliament was responsible for the oppressive measures towards America. To reform this Parliament and to restore to America the sole right of self-taxation were among the declared objects of the Society. If the Commons of South Carolina were justified in seeking the repeal of offensive laws against their constituents, they were justified in spending £1500 for a means well calculated to that end and their safety in future, to say nothing of a generous sympathy with the cause of liberty in the mother country.

It is useless to follow the weary wrangles between the Commons and the Governor and Council which fill the political history of South Carolina for the next six years. The King gave the matter his personal attention and determined to make a severe example of the treasurers who had lent themselves to the plan. In accordance with the reports of Bull and De Grey, the Secretary of State for the colonies sent out the "Additional Instruction of April 14, 1770."<sup>2</sup> The claim of the Commons to the sole authority in the raising and spending of taxes in South Carolina was denied and the absolutely coördinate authority of the Council asserted in the most emphatic terms. The Governor and Council were forbidden under pain of instant removal to allow any bill to become law which appropriated a single farthing to any purpose other than the specific service of the King, and particularly not to pass any bill reimbursing the treasurers.<sup>3</sup>

<sup>1</sup> *England*, iii., 373.

<sup>2</sup> Wallace, 64, quoting *MS. Public Records of S. C.*, xxxii., 236, 249.

<sup>3</sup> General McCrady sneers at the idea of the Commons repaying the money and accuses them of untruth in stating such to have been their purpose. This is entirely unjust. The Commons had frequently borrowed money from the funds in the treasury by the same extra-legal process

It was hoped thus to sue them for thrice the amount as a warning against any repetition of such conduct.

The issue was thus joined beyond the possibility of compromise between the royal and popular elements in the government. What the firm Quakers had wrested from the benevolent Penn in the infancy of their colony, namely, the abolition of the legislative character of the Council, the Commons of South Carolina were now striving for in a more difficult struggle with a powerful king under circumstances raising his opposition to the highest pitch. The cool assumption in England that this radical position was held only by the irresponsible element in the province was based on the same ignorance which permitted the Duke of Newcastle when Secretary of State to address a letter to "the Governor of the island of New England." It is true that some of the more conservative leaders disapproved of the grant in the first place, but none, save perhaps a few of the views of William Wragg, questioned the right of the Assembly to make the appropriation. Laurens was a hundred and sixty miles away when the vote was taken, had no intimation of what was on foot, and when he heard of it, "immediately in presence of divers persons pass'd his Censure in very plain language, 'these Chaps will get a rap o' the knuckles for this.'"<sup>1</sup> But this typical rich and conservative merchant and planter, who had repeatedly braved unflinchingly the anger of almost the entire body of his fellow-citizens when he regarded their position or their methods wrong, stood from first to last in vindicating the claims of the Commons, along with the most ancient and eminent families of the province. To the very eve of his departure for England, he labored actively in supporting the party of the people's rights, if party it could be called which combined practically the entire political population.

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and provided for its replacement in the next tax bill. The only reason that there was no tax bill passed after 1769 was that the Commons refused to pass any which did not reimburse the treasurers and the Council any which did.

<sup>1</sup> See paragraph 18 of his petition of June 23, 1781, in Chapter XXIV. below.

The Commons, in accordance with their established custom, and true to their pledge, included in the tax bill for 1770 an item of £10,500 currency to reimburse the treasurers. On seeing this the Council returned the bill to the Commons with a message in substance as follows:

All grants are for the King's service, but this of £10,500 "tacitly affronts his Majesty's government." We do not wish to raise any of the old questions of our right to amend money bills, but simply intimate that if the item referred to remains, the bill cannot receive our assent, which is certainly necessary for its passage. We feel that should we ignore this matter, our legislative power would finally come to be interpreted away as mere advice to the Governor which he might accept or reject, "according to the ingenious distinction of a Governor many years ago."<sup>1</sup>

This is a very significant document. One almost pities the Council in their evident dread that their authority is about to be annihilated after the Pennsylvania fashion by the resistless encroachments of the popular power. Their mild message aroused the Commons to great indignation. Lieutenant Governor Bull (a man so wise and conciliatory that the author of the *Traditions of the Revolution* was led to say that if he had been made dictator of South Carolina no Revolution would have occurred in that province) sought to interest the Commons in the flour and tobacco bills, involving matters of great commercial importance. But immediately, he says, there arose a storm of "No! No!" and the House proceeded to appoint a committee of ten of its leading members, of whom Laurens was one, to report upon the action of the Council. Their report was a vigorous attack upon the legislative authority of that body and an indignant denunciation

<sup>1</sup> Wallace, 66, quoting *MS. Pub. Recs. of S. C.*, xxxviii., 87; Smith, 387. In about 1745 Governor Glen was so incensed at being excluded from the legislative sessions of the Council that he declared that they possessed only advisory functions. When waited upon by two members of the Commons to ascertain whether he would sign the tax bill without the Council's adopting it, he saw the untenable character of his position and so was obliged to refuse.



of their claims to such. Their contention to control money bills they denounced as a "seditious doctrine . . . for the interposition of some power to raise money upon the inhabitants of this province other than their own representatives."

The resolutions were hardly less offensive to the Lieutenant Governor than to the Council; but with his usual tact he said to the members that, as their private affairs doubtless required their attention just at planting time, he declared them this eleventh day of April, 1770, prorogued;—and "God save the King," an expression fast coming to be needed in a more vital sense than as the formal amen of proclamations.

Bull was soon superseded by the young Lord Charles Greville Montagu and matters speedily progressed from bad to worse. With amazing fatuity, which can be explained only by his ignorance of the high-spirited people he had been sent to preside over, Lord Montagu called the Assembly to convene in the village of Beaufort, hoping, he says, that, being removed from the radical influences centering in Charleston, they might be wearied into compliance by a series of prorogations and reassemblings in such an inaccessible spot. When they met, October 8, 1772, there was the fullest attendance on the first day recorded in the history of the province.<sup>1</sup> The plan proved worse than a failure: it only created another grievance. Montagu immediately surrendered his scheme and prorogued the body to Charleston, where such a series of defeats and humiliations awaited as to render him during the remainder of his stay in South Carolina an exile in a hostile country. The feeling involved extended to social life. The diary kept by the wife of a distinguished merchant records no dinners to Governors after 1770, though they had been frequent before.<sup>2</sup> Montagu wrote to his government on November 4th, 1772,

<sup>1</sup> Wallace, 73, quoting *MS. Pub. Recs. S. C.*, xxxiii., 167, 174. Bancroft (iii., 408) seems to have fallen into confusion in stating that Montagu called the Assembly at Port Royal, a village near Beaufort, in order to force them to furnish him with an acceptable official residence. "The culminating point of administrative insolence" did not go that far, though it is true that the Governor was dissatisfied with his lodgings.

<sup>2</sup> McCrady, ii., 536.

that unless the course of events was arrested, it would shake the very power of the King. The Commons, he continued, have made three innovations that threaten a revolution in the "very nature of the constitution." First, they had for three years maintained their sole authority to control taxation and expenditure; second, they had recently proceeded with business after having been summoned to his presence for a prorogation; and third, their Committee of Correspondence had continued to act after the House had been prorogued, thus rendering the Governor impotent to arrest operations hostile to the King's interests.

Laurens, by his departure in 1771 for England to educate his sons, was withdrawn from the immediate scene of conflict. A letter of February 20, 1771, reveals his position on the questions which were at that time agitating the colony. The Assembly are in the right, he says, and he thinks that even the ministry can be made to see it so. As usual in such crises, he is burdened with committee work. The recent disallowance by the King of an act of Assembly assigning representatives to two new parishes, a measure to meet one of the worst defects of the provincial government, he denounces as tyrannical. Yet, he consoles himself, it will make the present generation so watchful as to defeat the ends of the enemies of America (a right worthy piece of political philosophizing, we may remark). Another act of the royal government he terms downright robbery: its disallowance of the act for stamping £106,500 in paper bills to exchange for the old lawful money. "These tenders in law have been our property for ages past." The King's veto must be counteracted, and to this end the members have personally subscribed to receive those bills and as a House have resolved to redeem them. He proceeds to denounce bitterly the opponents of the Assembly as false friends who estrange "the King's best and truest friends, such as neither eat his bread nor wear his livery, but whose lives and fortunes will be always ready to be sacrificed in his defense."

Laurens's allusion to the recent disallowance of an act assigning representatives to two new parishes indicates his

active sympathy with an urgently needed reform.<sup>1</sup> The back countrymen, who probably constituted a majority of the white population in 1769, had "been at the trouble of running the dividing lines far Westward" to the Cherokee line in order to ascertain in what parishes they were, and declared that they were coming to the parish churches to vote, though it should be a hundred and fifty miles. Their unauthorized survey commanded no respect, and the privilege of voting was denied to those who came except in Prince William parish, which lay along the Savannah River, and so on one side at least had natural boundaries about which there could be no dispute.<sup>2</sup> "And because they are unrepresented, they refuse to pay taxes. These people sometimes, 'tis said, when their complaints are treated with slight or reproach threaten to come down in large bodies to force a due attention to their claims and their desires."<sup>3</sup> Bull gave assurance that these disorders were not of the same nature as those "in the neighboring colony," where the North Carolina "Regulators" were drifting towards the battle of Alamance; yet there was present in each as a moving cause, though operating on different lines, the injustice of the royal government.

Laurens soon sailed on his three-year trip abroad to educate his sons. While in England he lost no opportunity to serve the interests of South Carolina by representations to men of influence and position. Though he found the Assembly severely blamed universally in England, he had never yet failed, he says, to convert a man to whom he had talked and

<sup>1</sup> Laurens refers to the recommendation of the ministers to the King, Nov. 21, 1770, to veto the act of Assembly of May, 1767, creating St. Luke's and All Saints' parishes. This illustrates the delays to which urgent provincial business was often subjected, action of any kind on this vital matter having been delayed three years and a half.

<sup>2</sup> McCrady, ii., 640. It is stated in *Coms. Jour., MS.*, xxxviii., p. 30, that recently before July, 1769, the parish lines had been run back, some of them over 200 miles, to the Cherokee line. The fact that the Statutes contain nothing to indicate that it was done by an officer is in harmony with Bull's statement that the back countrymen had "been at the trouble of running the dividing lines far westward."

<sup>3</sup> Bull in *Pub. Records of S. C., MS.*, xxxii., 36.

thinks that he can make Lord Hillsborough see it in a new light if opportunity should offer; which indicates that Mr. Laurens knew less of that autocratic, narrow-minded and self-sufficient young Secretary than he was destined later to learn under very trying circumstances.

Nothing is more significant than the increasing earnestness with which during these years Laurens voices his protests against the wrongs of the royal government and the greater and greater lengths to which he declares that he will go rather than submit. His letters from England constitute a long series of declarations in a fateful campaign in which, whatever its cost or outcome, he is determined never to surrender. His expressions in a letter to his brother in Charleston, December 12, 1771, will suffice. He admits that the gift was in the beginning doubtless an unfortunate circumstance, but the question at issue now has absolutely nothing to do with that. Now the King has ordered the Governor to sign no tax bill

unless certain clauses which are *dictated* and *enjoined* by the King's instructions are inserted in the bill. . . . If the House of Assembly ever submit to insert such clauses, they will sell the birthright and dearest privilege of their constituents and will incur the hatred and detestation of the present age, and their names will be branded in all future ages with the infamous characters of betrayers of the trust imposed in them by the people. I would rather forfeit my whole estate and be reduced to the necessity of working for my bread than to have these clauses in consequence of a *ministerial dictate* made parts of our tax bills. . . . I reason upon the premise that the representative body of the people in Carolina when regularly assembled have and ought to enjoy all the rights and privileges of a free people; or in other words, all the rights and privileges as a branch of the legislature which are held, enjoyed and exercised by the House of Commons in Great Britain. . . . I believe the scheme here is to reduce us to the state of a country corporation.

As late as January 24, 1774, he again returns to the subject, outraged at the statements in a pamphlet which he rightly guessed to be the work of Egerton Leigh. He busied himself "rummaging several mornings at the plantation office and elsewhere" for materials to defeat it and strove to induce Ralph Izard, Jr., then in London, to issue an answer and Garth to counteract it with the ministry. "I cannot see such

hellish machinations erected for the destruction of my country's peace and welfare, and under the mask of candor too, and stand by an unconcerned spectator." But his early hope of inducing the ministry to see the matter in a new light finally vanished in the conviction that they harbored a purpose alike uninformed and tyrannical.

A very few months in England convinced Laurens that the King was under the guidance of bad councillors.<sup>2</sup> His revolution at the state of morals we shall soon notice. A loyal British subject was being unconsciously but not the less inevitably prepared for a step upon which he would as yet have looked with horror.

Meanwhile the conflict at home knew no cessation. Fourteen acts on non-controverted subjects were passed in 1770 and '71; but between March 20, 1771, and March 4, 1775, there is a complete blank in the statute book. Thence until the Revolution only two acts were passed: one to revive certain import duties for the support of the established church and a large number of other laws necessary for public order, and one for punishing counterfeiters. No general tax bill was passed after 1769.

At first the Council had been unanimous in its stand; but by 1773 three of its native South Carolina members were ready to take the side of the popular party against the five English placemen. Two of the former published in the *South Carolina Gazette* a protest presented in the Council by William Henry Drayton against the conduct of that body. The Council, claiming the prerogatives of a legislative house, placed the printer, Thomas Powell, under arrest for contempt. This ill-advised act supplied the occasion for another humiliating blow to their prestige. The printer applied for release under *habeas corpus* proceedings before two justices of the peace, Messrs. Rawlins Lowndes, Speaker of the Commons, and

<sup>1</sup> Laurens to Gervais, Jan. 24, 1774. McCrady, ii., 722, states that Leigh was the author of the pamphlet, and iii., 9, that the Ralph Izard then in England was Ralph Izard, Jr. I know of no move of his in the matter.

<sup>2</sup> E.g., Laurens to Thos. Franklin, Dec. 26, 1771.

George Gabriel Powell, a prominent member of the same body, and both active leaders of the aggressive party.<sup>1</sup> They released him on the ground that the Council was not a house of the legislature and hence had no right to punish for contempt and were unanimously endorsed by the Commons, who thus formally ratified the denial of the legislative character of the Council.<sup>2</sup> Dartmouth, the Colonial Secretary, despaired now of ever reëstablishing the power of the Council, and Bull had been hopeless ever since the Commons had refused to bow before the King's express command of April 14, 1770. This contest was one of the main agencies in preparing South Carolina for the Revolution. How interesting would it have been had it been possible for this internal evolution to have run its course to some definite conclusion as did the earlier and milder contest of the same kind in Pennsylvania.

The Commons proceeded repeatedly to appropriate the public money by their sole authority and in March, 1774, went to a length amounting almost to an exercise of their new contention of being the sole legislative body. At that time they changed the law providing for £200 currency compensation for the owner of an executed slave so that in future the officials conducting the trial should appraise the value. The public accounts show that this new rule was obeyed.<sup>3</sup>

Their triumph over the Council was registered in a manner humiliating in the extreme to that body, as will be made plainer by a brief explanation of the financial history of the times. The chronic scarcity of hard money was unusually severe in 1774, and the Commons were therefore desirous of effecting the issue of some £200,000 currency as a circulating medium. A way was devised by which this might be accomplished without submitting to the "Additional Instruction of

<sup>1</sup> McCrady, ii., 717, states that the act of 1712 (Statutes at Large, ii., 453-4) made the writ returnable before the Chief Justice or two Assistant Judges, and that Lowndes and Powell were Assistant Judges. They had been, but had recently had occasion to complain of being "unconstitutionally" removed. They were still capable of granting *habeas corpus* as justices of the peace and quorum. Smith, 390, states the matter correctly.

<sup>2</sup> Wallace, 80-85.

<sup>3</sup> *Ib.*, 87, quoting *Commons Journal*, MSS., xxxix., pt. ii., 159, 211.

April 14, 1770." Several months were usually required after the tax bill was regularly passed to collect the whole amount. To meet the consequent temporary lack of funds it had been customary during the past few years to provide in the tax bill for the issue to public creditors of certificates of indebtedness receivable in payment of taxes.<sup>1</sup> The Commons now carried this one step further by ordering, March 24, 1774, the issue to the public creditors of certificates bearing the signatures of their clerk and five members. The wealthy planters and merchants in the house pledged themselves to accept the paper as money, and a similar resolution by the Chamber of Commerce, together with the pressing need of a medium of exchange, assured a ready circulation. The people, as is now observed in the case of clearing-house certificates in times of panic, passed it on "with an eager impatience, almost like an hot iron," and doubtless there was a very welcome liquidation of old debts. Even those members of the Council who also held salaried positions accepted their pay in the medium which proclaimed their humiliation as legislators. Only Bull lived up to his principles by refusing his dues, which was a great deal easier for a man of independent fortune than for placemen who three years before were already suffering for their salaries.<sup>2</sup>

The uncompromising attitude of a man of Laurens's character is a significant commentary on the questions raised by the Wilkes fund, which involved the foundations of self-taxation and self-government. I cannot concur in the derogatory tone in which General McCrady narrates these events nor admit that the conflict was precipitated solely by the Commons' "improper subversion of the public funds to the support of a disreputable private individual with whom the province had no concern."<sup>3</sup> Lord Chatham thought the cause represented by this individual worthy of some of his most splendid exertions. He understood that the personal character of a disreputable individual was in no wise the issue,

<sup>1</sup> Smith, 277-8.

<sup>2</sup> McCrady, ii., 729-32; Smith, 393-4; Wallace, 86-7.

<sup>3</sup> McCrady, ii., 730.

but that the constitutional liberty of a vast empire was; and so understood the Commons House of Assembly of South Carolina. To my mind, their history contains no chapter which is more to their credit.



## CHAPTER XIV

### FAMILY LIFE AND EDUCATIONAL INTERESTS, 1771

BEFORE following Laurens to England we must notice his home life and his part in the attempt to found a college in South Carolina. Both as a man of public spirit and as the father of a young family he felt a keen interest in everything relating to education. In 1763 he sought to get a teacher to come to Charleston for the free school at £150 sterling a year, or even £200. Education forms a frequent subject in his letters, and his sentiments always indicate a clear understanding of the disadvantages of the situation in the province and the importance of making adequate provision for both elementary and higher instruction. In judging of the situation from his characterization, we must remember that we are listening to one who was much given to impatient comment on incompetence and bungling and who had a very high standard in all that related to this particular subject. He declared that South Carolina's public educational institutions, or the lack of them rather, was a disgrace, and that it was a great reproach that even her *children* had to be sent abroad "for A B C and a little Latin."<sup>1</sup> Both before and after he took his sons to England he bewailed the necessity of such a step, as he was strongly opposed to removing boys from home for their education and entertained, from what he knew of English society and observed in some of the youths who had been sent into it, a strong fear of the results on morals.<sup>2</sup>

<sup>1</sup> Letter of Jan. 11, 1770.

<sup>2</sup> Cf. Washington's aversion to sending boys and young men abroad for their education. Among the most interesting comments on the education of the sons of the wealthy class in old South Carolina are those in

General McCrady has shown that in education South Carolina compared favorably with other colonies in the forty years preceding the Revolution.<sup>1</sup> A number of schools existed for instruction in classical and modern languages and the branches to which women's education usually extended at that time, while requirements were very well met in the practical branches demanded by business in a seaport commercial center. The plantation system made private tutoring the best expedient for the wealthy planter. In strongly Presbyterian centers, such as the Waxhaws, good schools were conducted by the ministers; but in general the back country was at that time almost completely neglected.

The interest of the upper classes in education is attested by the large number of bequests, subscriptions, and societies from a very early period for the education of the poor. The example of several colonies to the north in establishing colleges was cited for the imitation of South Carolina, and the advantages to be expected from such a course were about to lead this now wealthy province to similar action. The realization of this plan as a part of a system of economic independence received a new impulse from the ideals underlying the non-importation association of 1769-70. "Carolinacus" in the *South Carolina Gazette* of November 9, 1769,<sup>2</sup> pointed out the advantages of educating their youth at home and enriching their community with college faculties of intellect and char-

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the letters of Laurens's remarkable daughter Martha, Mrs. David Ramsay, during 1810 to her son at Princeton. These and her father's letters of forty years earlier, one in spirit and similar even in phraseology, indicate that the wealthy society of that day was as grievously afflicted with the gilded youth as the corresponding class at the present. The following extracts show how vigorous were the views of this lady: "Your time for improvement will be quickly past; if it is not improved, you will find yourself grown up with the pride of what you call a gentleman; . . . and of all the mean objects in creation a lazy, poor, proud gentleman, especially if he is a dressy fellow, is the meanest; and yet this is generally the character of men of good family, and slender fortunes, unless they take an early turn to learning and science."—Ramsay's *Memoirs of Mrs. Ramsay*, pp. 300-1. Cf. also pp. 283, 292, 297, 303-6.

<sup>1</sup> McCrady, ii., 449; 482-505.

<sup>2</sup> McCrady ii., 496.

acter. The plan appealed to the opponents of non-importation also, and on January 30, 1770, Lieutenant Governor Bull transmitted to the Assembly a strong message outlining a system of six high schools in various localities and a college in Charleston. This enlightened plan for a coördinated, province-wide system was embodied in the bill introduced in the Assembly. The movement for a college particularly was supported by strong public sentiment. In 1770 a meeting in Charleston petitioned the Assembly in its favor and many persons stood ready with donations or bequests. But for the long legislative deadlock, the measure would in all probability have been adopted. Yet there was opposition also, perhaps from those who prized the advantages of travel and residence at the great English schools.<sup>1</sup> "I lament the blindness, the willful blindness of some of our countrymen who know better than they act," wrote Laurens.<sup>2</sup> Bull, John Rutledge, Henry Laurens, and Alexander Garden were among the strongest friends of the measure. Laurens strove for the college inside the Assembly and out and wrote from England that he would hail the news of its establishment with greater joy than any possible news of increase of wealth or flourishing plantations. From a religious standpoint he declared that it must be founded "upon a broad bottom," and not like Princeton, which he was disappointed to find after listening to the liberal professions of its representative collecting subscriptions in South Carolina the previous winter was officered by teachers of only one denomination. "Let us in Carolina avoid the opposite extreme and let us also avoid the snare of having *all* within the pale of the Church of England."<sup>3</sup>

The Wilkes fund deadlock merged in the Revolution and the college had to wait until 1785. Laurens had then retired from all public activities, but he had the satisfaction of seeing both his sons-in-law, Dr. David Ramsay and Governor Charles Pinckney, among the original trustees of the institution for which he had striven.

<sup>1</sup> Laurens to A. Garden, May 24, 1772.

<sup>2</sup> Letter of Dec. 5, 1771.

<sup>3</sup> Laurens to Benjamin Elliot, Sept. 9, 1771. The bill of 1770 required that the president should be of that church.

Schools and colleges concerned Laurens very closely in 1770. He had a boy of sixteen, one of seven, and one of five, a girl aged eleven and an infant daughter. Life in the new home on East Bay Street had had its sorrows in full measure with its joys. The poor parents suffered terribly in the loss of their children. Of twelve<sup>1</sup> only five survived the mother and only three the father. Mrs. Laurens's constitution was not equal to the strain of her twenty strenuous years of married life and her serious protracted illness often cast its gloom over the household. With a view to giving his attention to his children's education, the father gradually contracted his business. His plans were brought to immediate execution by a sudden and terrible blow. On April 27, 1770, there was born a little girl "which the women say is well; but I have been too deeply affected by the mother's deep distress to take any notice of it." It "melts my heart and fills my mind with anxieties which are the companions of an involuntary submission, and such, I fear, are the best of human resignations. We submit in such cases to the decrees of Providence because we cannot stay nor controul them. This is at least an ingenuous confession of the weak state of my own breast." His "good friend" died on May 22, 1770, leaving a babe to bear her name who was herself to close her life as a young wife of only twenty-four years of age leaving a twelve days old son. Laurens's anguish was extreme. For many weeks he could attend to no business and for months his correspondence almost ceased. In a letter of October 1, 1770, he pours out his grief to his friend James Habersham of Savannah:

I may make a beginning, but a strange and unaccountable languor will often cause me to drop the pen before I have finished my design. I have not yet got quite out of that dejected state in which from the death of my dear wife and for a long time after I was overwhelmed and which I need not attempt to describe to you whose heart has been wrung, and whose days and nights have been embittered by similar distress, whose soul is ever sympathizing with the afflicted, who know too well from past experience what I must have suffered from two months painful anxiety, now hoping, now desponding, and at length from the fatal blow which took from me a

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<sup>1</sup> Or thirteen. See pp. 58-9, and 59, n.

faithful bosom friend, a friend and dear companion full of sincerity, free from every degree of guile, ever ardently striving to keep me happy, studying every moment for means to soften the cares of my more rugged path, who in sickness and in health was ever loving, cherishing and ready to obey—who never once—no, not *once*—during the course of twenty years most intimate connection threw the stumbling block of opposition or controversy in my way; to whom in that great part of our short span of existence I never had cause to impute any other fault than that of an excess of goodness, condescension and charity—which took from my children a mother indeed! from the poor a cheerful and liberal benefactress and from virtue a friend—a blow which staggered me almost to the gates of death, the weight of which still lays heavy upon me. . . . I have submitted and do submit to this stroke of Providence with as much of that dutiful acquiescence which Christianity requires as my depraved heart will admit of; but, my good friend, if I had not been a witness of that absolute resignation in which my dear wife expired without a sigh, repeating in full assurance of bliss, "Father, Thy will be done," I should believe really from my own rebellious feelings be tempted to believe (*sic*) that the most perfect submission among us poor mortals is constrained. Mine I confess has been too much so; and yet I think I have even desired to resist the decrees of him to whom omnipotence and omniscience is to be ascribed and whose tender mercies are over all his works and will be found in all his dispensations by those who seek for him to be just and merciful, to whom be glory, honor and thanksgiving for ever and ever.

This letter, very creditable to the heart of the bereaved husband, can hardly fail to suggest the difference of viewpoint between Laurens and an equally good man to-day, who, for instance, if the father of twelve or thirteen children in twenty years, would hardly speak of "the cares of my more rugged path"; and on the difference between Mrs. Laurens and the average twentieth century woman it is unnecessary to comment.

Laurens's letters, which had always borne testimony to his Christian character, from now to the end of his life reveal a deeply religious tone, line after line often being quotations from Scripture or exclamations of resignation, adoration, or thanksgiving in Biblical phraseology. He withdrew more and more from business and gave himself mainly to his children as "father, mother, nurse, tutor, and companion." From the hour of his loss he determined that he would never jeopardize their affection by introducing a stepmother, and never did

he reconsider this intention.<sup>1</sup> A new series of afflictions threatened to leave him childless. Towards the end of the year five-year-old Jimmy lay several days choked almost to death with a plum stone; immediately Jacky took scarlet fever; then Henry, then "Patsy," and lastly himself, only baby "Polly" escaping.<sup>2</sup>

The death of his wife determined Laurens to act at once upon his long-considered plan of going to Europe with his sons for their education.<sup>3</sup> In April, 1771, he sent little seven-year-old Henry ahead. The public and private schools in Charleston were then, he says, under the worst direction he had ever known. He did not think well of the Philadelphia schools from the reports of the Charleston boys, about twenty in number, who were there, not to speak of the bad health of that city. To the Rev. Richard Clarke, Islington, London, in whose family his boy was to reside and study, he wrote solicitously of the child, and a right good insight into the father's character the letter gives.<sup>4</sup> Little Harry is to be inoculated immediately on arriving in London. He shall "be clad in plain decent apparel, unmixed with any kind of foppery." "Six months *more* at dancing; the sooner that slight sprig of education is entered upon and ended, the better." He is uncertain yet whether the boy's education shall include the classics, "which in my poor opinion have often been impediments to the success of young men, in an education of more value and real usefulness, in the middle sphere of life." "I don't want him to ramble in the city, but to be kept a *boy* under the eye of his tutor for a season," and therefore he is not sending him any introductions to his London friends, "which have so often proved pernicious to our Carolina youth." And

<sup>1</sup> Laurens to Mrs. Ann Foster, Oct. 24, 1771, and to the Laurences of Poitiers, Feb. 25, 1774.

<sup>2</sup> "Patsy" was eleven-year-old Martha; "Polly" was baby Eleanor.

<sup>3</sup> Laurens to Mrs. Foster, Oct. 24, 1771.

<sup>4</sup> John was later put at first at the same place. I can only surmise as to whether this was the same gentleman to whom Laurens refers in a letter to Daniel Crokatt, Apr. 23, 1764, as "My dear friend the Reverend Mr. Clark."

finally, "*above all* I entreat you to keep him in due subordination, to impress the fear of God upon his mind, to show him the great difference between good and evil, truth and error, between a useful and a fine man in society. I commend him to your care, my friend, to train him up as you would a child of your own."

To the captain of the *Indian King* the father likewise gave ample directions. Harry was to "read in his books which are in his chest to you every day, to pray as he has been accustomed, morning and evening, to write when the weather will allow him to sit steady"; and, Captain, if you should be so unfortunate as to be captured by any vessel of a nation at war with Great Britain, I will gladly bear my share in ransoming your ship "on account of my son." A sea voyage was a moving experience in those days.

Laurens and his other two boys sailed July 21, 1771, for Philadelphia, in whose neighborhood he spent several weeks with friends. He went to Bethlehem, probably to visit Ettwein, whom he had learned to love in South Carolina, and to see in their homes the Moravians whom he so much admired. In observing the country he went as far west as Reading. At the next spring meeting he was elected a member of the American Philosophical Society, which is still one of the leading associations in the intellectual life of Philadelphia. He retained his interest in the Society to the end. In the meeting of August, 1787, there was read a letter from him expressing his appreciation of the honor of membership and thanks for the engraved certificate which the Society had recently sent its members. He promised to communicate any interesting or valuable information, and donated £50 sterling for the building soon to be erected.<sup>1</sup>

<sup>1</sup> I am indebted to Dr. I. Minis Hays, Secretary of the American Philosophical Society, for these facts. The election of Laurens and Dr. George Milligan, a prominent physician of South Carolina, along with a number of others is recorded in *Early Proceedings of the American Philosophical Society*, vol. xxii., pt. iii., p. 72. The abstract of Laurens's letter of July 14, 1787, referred to in the text is in the MS. minutes of the Society for August 17, 1787.

The election to the Philosophical Society was only one evidence of the fact that he was received in Philadelphia as a man of distinction. After being burdened with "the attendance upon perpetual dinners, etc." (from which, along with all other earthly concerns, he came near escaping by having his horse fall under him), he passed leisurely overland to New York. Thence he sailed September 29th, carrying along with his own boys "Billy Fisher" and arrived at Falmouth after a passage of twenty-nine days.<sup>1</sup>

<sup>1</sup> Laurens to Bampffield, Sept. 9, 1771, etc. I presume Billy Fisher was the son of Laurens's Philadelphia Quaker merchant friend William Fisher.



## CHAPTER XV

### RESIDENCE ABROAD TO EDUCATE HIS SONS, 1771-74

**L**AURENS took up his residence in Westminster, London, in October, 1771. The Carolina Coffee House served him as a sort of club and headquarters. His associations were mainly with large London merchants, though after some months he appears frequently to have conversed on American affairs with Members of Parliament, to whom he found ready access through a number of his friends, such as Manning, Oswald, and Charles Garth, the Agent of the province of South Carolina and himself a member of the House of Commons.

Morals in the colonies were at this time much higher than in England. One of the bitterest disillusionments of the loyalists who a few years later fled to the land for which they had sacrificed so much was the discovery of how unworthy of ruling over any upright and moral people were the English governing class. To the Huguenot from South Carolina there now came a similar shock, which deepened during the three years of his residence into the sad conviction of the unworthiness of King, ministers, and Parliament and changed his old sentiments of veneration into bitter sarcasm. Laurens's interests included society, education, and politics; and the profound disgust with which he witnessed their frivolity and immorality forms a frequent subject of his letters from first to last. The upright, religious family man could not take these things with the bland philosophy of the man of the world.

Oh! the wretched state of female virtue in this kingdom! [he exclaimed].  
... Chastity is certainly out of fashion in England and women talk

another language than that in which modesty was best understood twenty years ago.<sup>1</sup>

A series of disgraceful escapades in the royal family reached a climax just then which seriously diminished the respect of the public.<sup>2</sup> The King's brother, the Duke of Cumberland, had just been mulcted £10,000 damages for adultery with Lady Grosvenor, immediately after which he repeated in another direction the same disgraceful conduct, and in October, 1771, he deeply offended the King by marrying an obscure widow. This was immediately followed by the announcement of the secret marriage some years before of another of the King's brothers, the Duke of Gloucester, to the Dowager Countess of Waldgrave, an illegitimate daughter of a son of Robert Walpole; and in the following January the King's sister, Carolina Matilda, was thrown into prison by her husband, the King of Denmark, for adultery. Laurens's first disrespectful utterance towards the King himself occurs in a letter of September 24, 1772, to Thomas Smith, of Charleston, relating these events:

The news which is now circulating relates to the marriage of the Duke of Gloucester to Lady Waldgrave, which His Highness has at length declared to his royal brother, in consequence of which he is forbid the King's presence. The marriage was celebrated six or seven years ago and it was notorious that the parties cohabited as man and wife which gave his Majesty no offense. This same King while his brothers debauched men's wives and daughters throughout the island winked at their amours, but as soon as they have committed the impolitic honest act of matrimony or as soon as they respectively (respectably?) had declared the act, he disgraced them by banishment from court. You know it is said somewhere, Thou shalt not commit adultery—by our King to his brothers, Thou shalt not commit matrimony. Thus policy militates against religion; but the latter will be the hold-fast when the former fails and is of no use. . . . (He proceeds to ridicule the King's bill in Parliament to forbid the marriage of any of the royal family below twenty-six years of age without consent of the King or Parliament.) You learn from hence, good sir, that Kings and princes have troubles and perplexities and passions and crosses to contend withal as much

<sup>1</sup> Letter of Dec. 5, 1771. For a vivid picture of the corruption of English society at this period, see Trevelyan's *American Revolution*, i., 18-23.

<sup>2</sup> Lecky, iv., 248.

as men have who move in a more humble sphere. Good health, a tolerable share of understanding, a sound conscience, with good rice fields are preferable to the title of Sir Toby Tribble procured by bribery, perjury and fraud.<sup>1</sup> I hope you have escaped fall fevers and fell hurricanes and that your old Jamaica rum will last as long as you have got an old story to tell.

His caustic opinion of the morals of a large portion of English society grew no milder with time. February 28, 1774, he says, in reference to the large number of negroes in England as the servants of visiting colonists:

I cannot agree with the ladies, that negroes will mend the breed of Englishmen, and I am astonished at the supineness of the gentlemen in tolerating such numbers as daily appear in this city. They will have a fair opportunity of determining upon the merit of the female gust<sup>2</sup> about the year 1780, when from a moderate computation there will be 20,000 mulattoes in London only.

And the plain-spoken gentleman proceeds with some quite satirical remarks about the possible consequences in the case of a certain Duchess in particular who had been very complaisant towards negroes.<sup>3</sup> Quite a significant change in the spirit of a reverential American and quite a regrettable feeling for a man of influence to carry back to an already somewhat disaffected colony.

<sup>1</sup> This is evidently a fling at Egerton Leigh, made a baronet September, 1772—a besmirching of an ancient title which Laurens says at another place he could have prevented had he cared to. It is not by any means certain, however, that the revelation which he could have made of Leigh's moral depravity (see p. 103, n. 3, above) would have weighed as seriously with the sort of men who then dispensed titles in England as Laurens thought.

<sup>2</sup> Gust apparently in the sense of taste.

<sup>3</sup> It was estimated that at the time of the Somerset case (1771-2) there were 14,000 or 15,000 negroes in England—a circumstance which when considered in connection with Laurens's comments above and the results in the New World should add to the gratitude of Englishmen for what Lord Mansfield saved his country. Lord Mansfield's words in postponing judgment for six months hardly admit of doubt that he was willing for the masters to foresee the decision and get their property out of the way. See *State Trials*, xx., 80, and McCrady, ii., 384. At one time the negro page was considered essential to the lady upon the streets, as is illustrated by the frequency with which Hogarth introduces a negro maid or boy into his pictures.

Laurens's old distrust of English schools as safe homes was not removed by nearer observation. He never ceased to inveigh against the fearful wickedness of London and the folly of sending boys there to be educated. He was horrified to learn that "my old neighbor ——— has learnt to play at cards and makes Sunday subservient to visiting Richmond and Kew. I was never more amazed at anything. Sister Laurens and you will say, Is it possible? But for goodness sake let it go no further."<sup>1</sup>

These exclamations, we must remember, come from a strict Huguenot reared in a quiet provincial town. But accounts from others who would not be horrified at cards and Sunday jaunts show that his aversion was not ungrounded. At Oxford the sad degradation into which both instructors and pupils had sunk at the beginning of the century had not been remedied. Gibbon lamented the fourteen months which he spent there as "the most idle and unprofitable of his whole life," and records that discipline, examinations, and systematic instruction were practically non-existent, while "the dull and deep potations of the fellows excused the brisk intemperance of youth, and the velvet cap of a Gentleman Commoner was the cap of liberty."<sup>2</sup> Accounts of the escapades at Eton about 1765 show that these traditions were still honored.<sup>3</sup>

John and James were also placed with little Harry who had preceded them at Rev. Richard Clarke's in Islington, London; but he did not prove a skillful teacher and they were removed. Jimmy was placed to school "at Winson Green in Warwickshire, about two miles off" from Birmingham. The father's protracted and painstaking search could find no English school which satisfied him for the older boys, and accordingly early in the summer of 1772 he took them to Geneva, where they spent two years.<sup>4</sup> "In 1764, the Genevese still adhered with

<sup>1</sup> Laurens to James Laurens, Nov. 11, 1773.

<sup>2</sup> Lecky, iii., 18-20; Trevelyan, i., 34.

<sup>3</sup> Trevelyan, i., 33 and 391-2.

<sup>4</sup> Confusion in regard to this leads Wharton to state that John Laurens was educated in France. In French, though not in France, would have

almost passionate tenacity to a Spartan simplicity of morals and manners; and they dreaded the invasion of luxury only less than the incursion of a foreign prince. . . . Painting, music, literature, and the drama naturally suffered under this iron hand, and the great men of Geneva had been chiefly scientists, philosophers, and mathematicians. Apart from other advantages, this austerity of manners added to its desirability in the eyes of anxious parents as a place of education. There were no objects of dissipation, theatres, or public places of amusement."<sup>1</sup> Along with the stern republicanism of politics and society, the Consistory, dating from the days of Calvin, still supervised education and morals, and where the subject was at all favorable, this environment left a strong and lasting impression of Puritanism and reform upon its subjects.<sup>2</sup> The latter part of the eighteenth century and first part of the nineteenth was, moreover, the most brilliant period in the intellectual history of Geneva.<sup>3</sup> The esteem in which this ancient republican city was held for its schools had drawn at the time of Laurens's residence sixty English youths, among them the Duke of Hamilton, Lords Stanhope, Mahon, Chesterfield, Lumley, etc. They were so studious that it was agreed to exchange visits only in the afternoon.<sup>4</sup>

The education of the boys proceeded very satisfactorily. After a year's experience with the two older ones at Geneva, Laurens declared that he vastly preferred that place to England for young boys, that there were more progress,

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served the same purpose and have been strictly correct. Mrs. Ravenel has the same error.

<sup>1</sup> Stanhope and Gooch, *Life of Charles, Third Earl Stanhope*, 7.

<sup>2</sup> *Ibid.*, 7 *et seq.*; 16; 20.

<sup>3</sup> *Britannica*, 11th edition, Geneva.

<sup>4</sup> John Laurens to his uncle James Laurens, Dec. 19, 1773, in Laurens MSS. in the L. I. Hist. Soc. I take it that he means the sixty "English" to include American colonists, as they had not yet come "to be called by some new name." Whether he gives some of the noble youths the titles which as yet really only belonged to their fathers I have not enquired. I do not understand why he should name Lord Stanhope, the father, and Lord Mahon, the son, even though the father was pursuing his own reading at Geneva. Cf. Stanhope and Gooch's *Charles, Third Earl Stanhope*, 2, 5, *et seq.*

better discipline, better moral atmosphere, and better teaching. He also took great delight in the place on his own account, and from October to December, 1773, visited there and in other portions of the continent. The expense of keeping Henry, aged about ten, in Geneva, he writes his good friend Dr. Alexander Garden, was as much as it had been at Chelsea—£70 or £80 a year, including clothes and all other items; for John, as much as it would be at Oxford. Economy would bring all expenses, clothing included, for a young gentleman at Geneva within £140; £200 was an average, but John spent more because of having early been "taken notice of in several polite families," which occasioned the expense of receiving their civilities and of entertaining in return, all of which Mr. Laurens fully approved. Not much time could have been consumed in this way if John did justice to all his studies, for they included Latin, Greek, French, Italian, Belles-Lettres, Physics, History, Geography, Mathematics, experimental philosophy, fencing, riding, drawing, and reading the Civil Law; and after he declared his intention, in 1772, of becoming a barrister, his father sent him a copy of Blackstone for private reading.<sup>1</sup>

In August, 1774, Laurens went to Paris to meet his sons on their way to England, but they took a shorter road and missed him. In October John took up the study of law in London. In order to keep the younger brothers under his influence, Henry was placed in the middle of September in Westminster School, though James was left for the time at Winson Green.<sup>2</sup> The beautiful friendship with his eldest and favorite son which illuminates the years until the death of the gallant young man in 1782 was developing with John's maturity, and already the father was beginning to write his best and fullest letters to this splendid young fellow.<sup>3</sup>

<sup>1</sup> Laurens to A. Garden, Feb. 19, 1774, and to James Laurens, Feb. 17, 1774. Cf. *A Book about Lawyers*, quoted by McCrady, ii., 476, which states that "a young gentleman Templar expected his father to allow him £150 a year, and on encouragement would spend twice that amount in the same time."

<sup>2</sup> Laurens to John Laurens, October 17, 1774.

<sup>3</sup> Cf. the following from a letter of the father to John, Oct. 8, 1773: A

Laurens was in London when Lord Mansfield rendered his famous decision in the Somerset case, June 22, 1772, that a slave became free by being brought into England. Laurens had himself brought along a body servant, and as a large slaveholder he would naturally not relish the court's doctrine, yet his letter to Dr. Alexander Garden in Charleston, August 20, 1772, appears to contain an approval of Lord Mansfield's position. He writes:

I will not say a word of Lord Mansfield's judgment in the case of *Stuart v. Somerset* until we meet, save only that his Lordship's administration was suitable to the times. The able Dunning set out on the defendant's part<sup>1</sup> by declaring that he was no advocate for slavery, and in my humble opinion he was not an advocate for his client, nor was there a word said to the purpose on either side.

Dunning's argument was indeed a lame, apologetic, technical, quibbling affair, seeking to keep a man a slave without approving slavery. It is hard to learn from this whether Laurens approved or disapproved of the decision. His reference to "his Lordship's administration" as "suitable to the times" might refer to the danger of bringing large numbers of blacks into England, to which, we remember, he elsewhere alludes, or might be an acknowledgment of the growing anti-slavery sentiment in England, or a sneer at the decision's having been delayed long enough to allow the removal of the 14,000 or 15,000 slaves estimated then to be in England. The most natural interpretation seems to be that he approved Lord Mansfield's delaying his decision for six months after warning masters, in order to avoid the flood of litigation and financial loss which his plainly announced decision might occasion. We know that within a very short time he declared himself for complete emancipation and said that he had long abhorred slavery, and that he had several years before this

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certain old friend has disgraced himself "by an attachment to a trumpery woman. . . . All, all, sacrificed upon the knees of a little freckled faced ordinary wench. Let other men commiserate his wretchedness and take heed."

<sup>1</sup> Dunning argued against the negro Somerset and in favor of the right of control by his master, Stuart.—*State Trials*, xx., 1-82.

come to condemn the foreign slave trade. A letter from his rich merchant brother James, in Charleston, July 8, 1773, may also have a bearing on the question to what extent the germs of emancipation sentiment were sleeping in South Carolina at this time. James writes that he has received a very advantageous offer in the slave trade, but that, besides the risk of taking up a new line,

Be that as it may, I disapprove and will have no concern in the Guinea trade. You may remember I refused it in the year 1767 when you were so kind as to make me an offer of your interest in that business, and thank God neither my circumstances or inclination make it more necessary to engage in new concerns now.

We shall see to what lengths Henry Laurens went in 1776 in views which he then declared he had entertained for many years.

Laurens's habitual consideration for his slaves appears frequently in letters during his stay abroad to his agent at home. He writes, April 6, 1773, to Gervais that he understands that an overseer on one of his Georgia plantations

has provided no machine for pounding out his crop but depends wholly upon the violent labor of the poor negroes. It is not therefore the lack of a few barrels of rice on my part that gives me uneasiness, but the thoughts of having my negroes cruelly treated and driven by severity to such practices as were never before known among them. . . . Submit to make less rice and keep my negroes at home in some degree of happiness in preference to large crops acquired by rigour and barbarity to those poor creatures.

He discharged that overseer. To another on a Georgia plantation he writes, September 23, 1774:

It gives me pleasure to hear that you have taken poor old Cuffee from hard labor or disgrace. I cannot be a judge at this distance of the cause for which he was so severely punished, and was very sorry to find that there was nobody to interpose on his behalf. I never will encourage Cuffee or any other negro in idleness or insolent opposition to an overseer; but I cannot from any consideration of gain to myself suffer my slaves to be treated with cruelty.

Laurens had intended to return to America in the summer of 1772, but the delay in settling his sons and the demands of



other private business caused him to postpone his departure until the spring of 1773, when the increasingly critical state of affairs and his desire to be of service to South Carolina and America in general kept him in England still longer. In July, 1773, St. Michael's parish, expecting his early arrival, elected him a member of Assembly. Finding it impossible to foretell definitely his return, he resigned, and consequently was not again a member of the provincial legislature, as this was the last house elected under the royal government.<sup>1</sup>

Laurens utilized every occasion for defending the colonies in general and criticized many of the great merchants who had grown rich on America as being, without intending it, her worst enemies, since they think only of increasing trade, "but have no idea of opposing attempts to deprive her of her most valuable privileges." But "there are many honest men in the city too; nay, I will not positively say there may not one be found even in the ministry."<sup>2</sup> He gives an amusing account of a set-to at a London tea-table from which his antagonist retired with a threat to bring Dean Tucker against him; but from what he learned of that gentleman he found him equipped only with the same old "thread bare, ten thousand times defeated claims . . . ; so that I have nothing to fear from the Dean but the wrath (if he is not a very good-natured man) which sometimes is substituted for reason by gentlemen in black."

The news from Boston brought matters to a crisis. Laurens realized the crucial nature of the issue and that if the colonists were conquered now tame submission must be the program for the future. He wrote to his brother in Charleston:

Oh that I could but effectually alarm my countrymen at this important crisis to be firm, frugal and virtuous, to put away from them all trifling amusements and to prepare to stand the shock of living in homely economy within themselves, under the pressure of either their own necessary resolutions on (the) one hand or on the other of every discouragement to their trade and commerce by new duties on, and withdrawing bounties from,

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<sup>1</sup> Laurens to R. Lowndes, Sept. 29, 1773, and to Laurences of Poitiers, Feb. 25, 1774; Drayton's *Memoirs*, ii., 46.

<sup>2</sup> Laurens to Peter Mazyck, April 10, 1772.

produce and merchandise imported and exported—possibly by a new stamp act left to execute itself or to throw us into dire distress or confusion, which has been whispered in my ear as one among many suggestions of measures for our reformation. We *are*, I am sure we *are*, upon the main subject, in the right. Fortitude, frugality and virtue will conduct us safely through the ordeal and establish the happiness of our children to latest generations. . . . Mischief is hatching for us; the King is very angry—the whole ministerial band inimical to the liberties of America. What will come forth is yet uncertain, and we shall not arrive at a knowledge of the designs against us so speedily and so certainly as we used to do.<sup>1</sup>

While Laurens opposed with all his might every aggression on the liberties of the colonies, he deprecated all mob violence or other illegality, as these alone could furnish the ministers with the least standing ground. Accordingly he thought that South Carolina's action in compelling the revenue officers to store the tea and refusing to allow it to enter the channels of commerce was better than the conduct of Boston or Philadelphia.

I won't say the people have proceeded too far in drowning and forcing back the tea; possibly it may prove to have been the most effectual and therefore wisest method; but at present I commend the proceeding at Charlestown in preference to all the rest: the consignees refuse the commissions; the people will not purchase the commodity; it must remain in store and perish or be returned at the expense of those who sent it. There is a constitutional stubbornness in such conduct which must be approved of every true Englishman and open the understanding of those whose stubborn attempts to ensnare America are supported by no other plea than power.<sup>2</sup>

And to this "constitutional stubbornness" this orderly friend of liberty clung until the last ray of hope in that direction had vanished.

To various correspondents Laurens expressed his lack of confidence in the wisdom and character of Parliament in dealing with the crisis, and he already anticipated that their bungling would entail the separation of the colonies from the mother country. He was consulted by several members of Parliament to whom he steadily declared that the only hope

<sup>1</sup> Laurens to James Laurens, Feb. 5, 1774.

<sup>2</sup> Laurens to George Appleby, Feb. 15, 1774.

of accommodation lay in the repeal of every law for taxing the Americans. To his son John he wrote:

This day or to-morrow American affairs will be brought before Parliament. From their wise management in the late quarrel with the printer Woodfall and Parson Horne, which exposes the first minister and all his train to derision, there can be no doubt of their treating with propriety such a bagatelle as the recovery of loss of the affections of three millions of subjects. However that may be, that individuals who speak their own and the sense of those within their atmosphere, are bewildered and perplexed, is most certain. I have had the honor of conversing with several members, and particularly for two or three hours Saturday morning with a very sensible man of our acquaintance; and upon my honor, the best scheme I have yet heard is mere weakness. Violence they are not disposed to; violence would be attended at best with infinite hazard. But the success of violent measures would be extremely uncertain; and what less than violence can subdue a people who think their claims are justly founded and who are determined to maintain their liberty? Our acquaintance above alluded to put the question to me after I had alluded to his politics, What then would you have us do, Colonel?—My opinion, Sir, is of no weight with Parliament, but to you I submit it: the recent cause of offence is a matter between subject and subject; leave the dispute there and all will be well again. Slumber on the supposed opposition to government, and before the rising of your house repeal all those laws which are calculated for raising a revenue on the colonists without their own consent. They are galling to the Americans, yield no benefit to the mother country; you disagree among yourselves concerning the *right*, and every man sees and acknowledges the *inexpediency* of such taxation. What, then, are we contending for? Imaginary emolument at the risque of thousands of lives and millions of pounds, possibly of the dignity of the British Empire. Let this remark persuade you: Here your opinions on the grand point *jar*; in America all are so thoroughly agreed that a union is formed for mutual defence which in past times had been held unnatural and impracticable.

I see no medium between compulsory measures by fleets and armies and a wise retraction on this side. If the former should be recommended by Parliament, you and I had better be at Altamaha.\*

Laurens was soon to find that John proposed to put his closing recommendation to a practical application more promptly than it had been intended.

In the general crisis Laurens still regarded the rights of the South Carolina Commons in the Wilkes fund dispute as involving the same principle as the whole question of taxing

\* Laurens to John Laurens, Feb. 21, 1774. Cf. also to Garden, Feb. 19.

America and as in no wise inferior in import to the people of that province. He coupled that with his plan for all the colonies unitedly to pay for the Boston tea. Not a single constitutional right was to be surrendered, for

a tame submission will work the most severe reproach upon all our past struggles; the same discipline will be exercised in order to cram down the instructions of the 14th April and every other mandate which ministers shall think proper for keeping us in subjection to the taskmaster who shall be put over us. Our House of Assembly will be composed of excisemen and taxgatherers, the council of downright placemen, the governor will be a military bashaw and an American a most contemptible character. . . . God forbid that I should wantonly suggest any measures for injuring or distressing this country; but if by the violence and injustice of the rulers of this country we are driven to adopt and pursue measures for the interest of future generations, we cannot, we shall not, be blamed by wise and dispassionate men.<sup>1</sup>

He recommended commercial boycott of England to bring her to submission and requested that these be spread in South Carolina as his views.

Events in England gave small hope to the patriot who attempted to stand on Laurens's platform. In January, 1774, Franklin presented as Agent for Massachusetts a petition for the removal of their Governor and Chief Justice. Instead of receiving a judicial hearing he was subjected by Solicitor General Wedderburn to a grilling which so delighted the Privy Council that they gave themselves up to shouts of derisive laughter without dignity or self-respect—an hour's merriment which cost the empire dear in cutting some of the strongest ties of affection and sentiment which still held many of the strongest men in the colonies. Not only was the petition rejected as "groundless, vexatious and scandalous," but the most distinguished American then in public life was dismissed from his post of Deputy Postmaster General for America and threatened with arrest.<sup>2</sup>

Dr. Franklin's late miscarriage in supporting the Massachusetts petition against Governor Hutchinson [wrote Laurens, March, 1774], is of the

<sup>1</sup> Letter of April 9, 1774.

<sup>2</sup> Trevelyan, i., 157; Lecky, iv., 150; Bancroft, iii., 461.

utmost prejudice to the American cause. His influence lost, we have lost our principal advocate. An American and Rebel or enemy to the interests of Great Britain are now synonymous. . . . I long to be at home to share the fate, whether good or bad, with my countrymen. Wisdom on their part will do more than arms.

The Quebec act and the acts against Massachusetts were hurried through Parliament. We few Americans here, says Laurens, have signed "strong and spirited petitions" against them. Of the thirty whose names were signed against the Boston Port Bill, sixteen were South Carolinians.<sup>1</sup> It was Laurens's duty to present one of these petitions. When asked by the Earl of Dartmouth for his opinion of the proposed legislation, he replied:

That if the bills respecting America then pending in Parliament should pass into Acts the people of the several Colonies from Georgia to New Hampshire would be animated to form such an Union & Phalanx of resistance as he had theretofore believ'd that nothing less than a divine Miracle could establish.<sup>2</sup>

Almost amid the sound of arms, with a heart saddened at the prospect of a warring, divided empire of which he had grown up a devoted, patriotic son, Laurens prepared to leave England. I hear on every side, he wrote, that

one British soldier would beat six Yankees; be that as it may, I see the tragedy of five acts, as our converted countryman W. H. Drayton terms the present dispute in a letter addressed to the high court of Congress at Philadelphia, will not be finished so soon as some people fondly hoped for at the dissolution of the late Parliament.<sup>3</sup>

Sailing from Falmouth November 7, 1774, he landed in Charleston December 11th, after a passage of thirty-four days, in which he narrowly escaped death by the ship's running aground in the night about ten miles off the South Carolina

<sup>1</sup> McCrady, ii., 733, and note. McCrady says fifteen in the text, following a queer mistake of Drayton—*Revolution*, i., 110—due apparently to the misspelling of Laurens's name, but the list both in McCrady and Drayton specifies sixteen South Carolinians.

<sup>2</sup> Laurens's petition to Ministry, June 23, 1781, as given below, Chapter XXIV.

<sup>3</sup> Letter of Oct. 22, 1774.

coast. The vessel was got off largely through his presence of mind. He had the privilege of five months with his daughters and brother, whom he was to see no more for seven years after they sailed for England about the first of June.<sup>1</sup>

<sup>1</sup>*S. C. Hist. Mag.*, v., 11, n., quoting gazettes. Also Laurens's letters. Wharton, following apparently the flimsy and spiteful sketch of Laurens in the British *Political Magazine* of October, 1780, p. 636, states that while on this visit to England he made "judicio is investments" in the public funds. I have found no reference in his correspondence to any such investments; his will speaks of none, and judging from his general business habits at this time, I would consider such investments out of his line. The carelessness of many of Wharton's statements regarding Laurens and the unreliability of the *Political Magazine* sketch lead one to doubt the bond story.

## CHAPTER XVI

### THE REVOLUTIONARY MOVEMENT IN SOUTH CAROLINA DURING 1775-77

THE three years of Laurens's absence saw no peace in the disturbed politics of South Carolina. The Wilkes fund controversy, we recall, was carried to its most bitter extreme and the Governor and Council were almost completely shorn of their influence. In the struggle going on at the same time over taxation by Parliament, the non-importation association had been abandoned in December, 1770, except as to tea, and soon the controversy, narrowed to this, went to the final crisis. We have seen that Laurens's three years abroad caused no break in his political interests. January 9, 1775, four weeks after his return, he was elected a member for the city of Charleston to the First Provincial Congress. He continued one of the most prominent leaders in South Carolina affairs until his departure for Congress in 1777.

Laurens's conduct during the months when the British government was being extinguished in South Carolina squares perfectly with his character as we have come to know it in the struggle for constitutional rights in the Commons House of Assembly. He is always found among the leaders for constitutional freedom, but he is generally with the more moderate and conservative wing of the party of liberty. This fair-minded moderation combined with his undoubted devotion to the cause of his country served to soften many an asperity and win numbers who would otherwise have been permanently repelled, while it likewise helped to secure justice in the treatment of those who differed with the revolutionists.

Laurens's position continued, so long as it was possible to maintain such an attitude, to be that of a loyal British subject, but one who was determined, like many a British patriot in years gone by, to maintain at the cost of life itself, if need be, the constitutional liberties of his country. He bore his part in the acts of revolutionary resistance and loyally stood by those even who acted with indiscretion in the cause; but he was temperamentally unable to delight in confusion, violence, and mobs and looked upon separation from the sovereign of his birth as only the last resort to preserve freedom. To Lord William Campbell, the last royal Governor of the province, he said in June, 1775:

Some of their (the Americans') measures I condemn, but I condemn them as improper modes of resentment. Errors will appear even on the side of the injured party in all great quarrels.

The origin and progress of the extra-legal organs of resistance in South Carolina is a wonderful tribute to the political sagacity of the people and will serve at this point to make plain the situation at the time of the First Provincial Congress in January, 1775. These revolutionary bodies did not originate, as might be inferred from the statement usually made, in the great mass meeting of July 6-8, 1774, nor even in the call for that meeting by a number of "principal gentlemen,"<sup>1</sup> but go back without break to the first meeting to resist the landing of the tea, December 4, 1773.<sup>2</sup> The shipload of tea intended for Charleston to "try the matter with the Americans" arrived December 2, 1773. The next morning appeared handbills and placards calling for a meeting of the citizens of the province in the Great Hall over the Exchange. Col. G. G. Powell, one of the trusted leaders in the events of the past few years, was made chairman. A resolution was adopted neither to import nor buy any tea liable to a duty for raising a revenue in

<sup>1</sup> McCrady, ii., 103; Ramsay, ed. of 1858, i., 128.

<sup>2</sup> The narrative exhibiting this connection is taken from my pamphlet, "The Arrival of the Tea and the Origin of the Extra-legal Organs of Revolution in South Carolina"; *Publications of the Vanderbilt Southern History Society*, No. 4; 1900.



America, and the resignation of the consignees of the present cargo was secured. A committee was appointed to secure signatures and retain general supervision of the whole matter. December 17th a second meeting was held, with the same gentleman as chairman. It was resolved that the tea should not be landed, and the business which should be considered at the next meeting was announced. The "General Meeting," as it was called, was thus assuming a regular and permanent organization, with the same chairman, a standing sort of executive committee, and business announced for the next meeting.

No consignee calling for the tea at the expiration of the legal period of twenty days during which a ship might lie unloaded, it was removed by the customs officers very early on the morning of December 22d and stored in a hired wareroom under the Exchange. No one appeared to oppose the officers, although anonymous threats of burning the ship and other violence had been received.

January 20, 1774, the "General Meeting" again convened and took a step of great importance in systematizing its authority and shaping the extra-legal organs of a new government. A new standing committee to be known as "The General Committee" was appointed, a quorum of which was to be fifteen. It was to keep the tea agreement constantly in charge and when necessary convene the "General Meeting" of the citizens. The first call for a General Meeting by the General Committee was for March 3d, under the "Liberty Tree"; but the weather on that day proving very bad, "every man that had the good of his country at heart" was summoned for the 9th.<sup>1</sup> On the 16th an important General Meeting was held; the enforcement of non-importation and boycott were provided for and the standing General Committee was invested with the authority of executing the resolutions of the General Meeting.

Upon receipt of news of the Boston Port Bill and the action of the Boston town meeting in reply, the General

<sup>1</sup> I find no account of any meeting on the 9th; perhaps it was again prevented.

Committee after consulting the leading citizens of Charleston issued a call for a General Meeting for the 6th of July.<sup>1</sup> It is with this meeting, because of its unprecedented size and the startling character of its action, that the accounts of the revolutionary organs in South Carolina have usually begun; but it is very evident that there had been for six months an active and systematic organization of which this was an organic part in its regular order, and that the "principal gentlemen" who are sometimes represented as initiating the movement in the summer of 1774 were really a standing committee acting in an official representative capacity. This meeting, however, marked a very distinct advance and justly stands in great prominence. The Charleston leaders dispatched letters to influential men in the more remote sections requesting the election of delegates, hoping by thus designating certain individuals to secure representation of the entire province. Only in having elected representatives did the July meeting differ in its composition from the four which had preceded it, and only partially did it differ in this respect. Yet the attempt to transform a mainly local mass meeting into a province-wide representative assembly was of immense significance. As Drayton says, "This was the first attempt to collect a meeting of the people on so constitutional a principle."<sup>2</sup> Each section elected as many as it pleased or none. One hundred and four delegates attended from outside the city,<sup>3</sup> to whom the General Committee added themselves as representing Charleston. Although it is true, as McCrady states, that the decision of the meeting that any person in attendance might vote destroyed its representative character, it is also true that it contained more men from outside the old parishes than any body which had ever assembled in any legislative capacity and is thus the beginning of the representative popular government of South Carolina from that day to this.

The further history of the tea is soon told. June 26, July 19, and November 14, 1774, small lots arrived, to be stored as before, except the last, which, with consent of the owners, was made "an oblation to Neptune" in the presence of the Com-

<sup>1</sup> Drayton, i., 112.

<sup>2</sup> *Ib.*, i., 113.

<sup>3</sup> *Ib.*, i., 126.

mittee of Observation and a great concourse of citizens. The same took place at Georgetown.<sup>1</sup> The tea lay in the store-room for almost three years, when the "President" of South Carolina wrote to the delegation in Congress directing them to secure permission to sell it for the benefit of the State's treasury. Congress seemed to think that the proceeds should go to the Continental treasury or be appropriated to reimburse Americans whose property had been confiscated in England. The South Carolina delegation in alarm secured permission to withdraw their motion and wrote advising their Legislature to sell the tea at once.<sup>2</sup> Accordingly the State Legislature passed an act ordering the tea to be sold and the proceeds applied to the public service, and we read advertisements by the commissioners appointed for the purpose announcing the sale for October 14th.<sup>3</sup> Thinking doubtless that an article of such historic associations would bring souvenir prices, the Legislature directed that it should be sold in quantities not exceeding twelve pounds at 25 shillings a pound for Bohea and Green; £3 for Congo and Souchong, and £6 for the best Hyson; which in the paper currency of the time at one-seventh of its nominal value would represent in our denomination 86 cents, \$2.08 and \$4.17.<sup>4</sup>

The General Meeting of the inhabitants of the province called for July 6th by the committee of the previous General Meeting and the parent of all government in South Carolina from that day to this, was thus the fifth or sixth in an unbroken

<sup>1</sup> November 3d an incident occurred which disproved the sneer that the colonists were glad enough to drink smuggled tea, when 669 pounds that had been smuggled in were returned to the ports of shipment to show that the resistance to the duty was not merely to save the few pence involved.

<sup>2</sup> The letter of the delegates to President Rutledge giving an account of the debate in Congress is quoted in the *Journals of the Continental Congress*, Ford's edition, iv., 278-9, from Force's *American Archives*, 5th series, iii., 16.

<sup>3</sup> *S. C. and General American Gazette*, Sept. 25-Oct. 2, 1776.

<sup>4</sup> Ramsay—Duffie's edition of 1858, p. 127—simply says the tea was stored; Simms—*Hist. of S. C.*, 160—says it "rotted in the storehouses." Whether the tea was found to be damaged when opened for sale, I do not know. I find no reference to its rotting.

series leading straight back to the tea incident of December, 1773.

In the great assembly of July Colonel Powell was, as usual, chairman. The meeting remained in session for three days, adopted a declaration of rights, elected five delegates to the Continental Congress, enlarged the General Committee to ninety-nine, directed it to act as a Committee of Correspondence and otherwise increased its powers. We have now reached the point at which occurred the definite transition from loose semi-organization to systematic representative government. In the autumn the General Committee of ninety-nine summoned for January, 1775, the First Provincial Congress and assigned to each district the number of representatives it should elect. Then was born the Legislature of what was soon to be the State of South Carolina, and a people so imbued with constitutional principles as to be able to call them into activity without one act of violence found themselves again under the direction of their elected representatives.

Upon its adjournment the First Provincial Congress of January, 1775, confided authority to a many-headed executive denominated the General Committee, but a very different body from the one which had previously borne that name. It was to consist of the thirty Congressmen from Charleston and any others who might be in town, twenty-one to be a quorum. The Committee at once effected an organization. Henry Laurens was elected President and began his service as head of the executive department during the twelve eventful months that were to follow.<sup>1</sup> The General Committee, with the sub-committees which it appointed, constituted the entire government of South Carolina from the adjournment of the Provincial Congress in January until its reassembling in June and remained a sort of residuary legatee of authority even after the creation of the Council of Safety in June until the last meeting of the Second Provincial Congress in February, 1776, which set up a State Constitution.<sup>2</sup> Before it were fought out the fierce controversies over the enforcement of the continental non-importation association; it had the public

<sup>1</sup> Drayton, i., 175, 180, 222; ii., 93.

<sup>2</sup> Cf. McCrady, iii., 5.

arms and powder seized, and became the forum for the struggle between the extremists and moderates on the question of arming the colony and forcing the revolution to further lengths.<sup>1</sup>

The Provincial Congress had considered the seizing of the military stores and provided for the appointment of a Secret Committee if the necessity should arise. News of the resolution of Parliament to suppress America by force arriving April 14th convinced the General Committee that the time had arrived; President Charles Pinckney of the Congress accordingly appointed the Secret Committee and on the night of the 21st, in the presence of him and President Laurens and other prominent men, the plan was executed which made the participants British traitors or American patriots according as the outcome should determine.

In the critical stage which affairs had now, reached, a vigorous minority centered about Christopher Gadsden, William Henry Drayton and Arthur Middleton were pushing for independence, while a larger group led by John Rutledge and Rawlins Lowndes, though prepared to defend their rights by arms if necessary, yet entertained no intention of secession, but strove to keep within the limits of many a previous struggle for liberty under the crown. Between these groups stood Laurens, so far as a man may be said to stand between the radicals and conservatives without, in effect, throwing his weight to the conservatives.<sup>2</sup>

Under these circumstances the First Provincial Congress met for its second session, June 1, 1775. The conservative Mr. Charles Pinckney, always a reluctant revolutionist, resigned the Presidency, events moving too fast for him, and was succeeded by Laurens.<sup>3</sup> Early in the session was presented

<sup>1</sup> McCrady, ii., 774, 787, 790; Drayton, i., 180-7, 219-22.

<sup>2</sup> Cf. Drayton, i., 250.

<sup>3</sup> Col. Charles Pinckney, born 1731; son of William Pinckney and Ruth Brewton. A reluctant participant in the Revolution. Finally took British protection after the fall of Charleston in 1780 and was amerced therefor by the Jacksonborough Legislature 12% of his estate. Died Sept. 22, 1782. He was the father of Charles Pinckney, the famous four-times Governor and member of the Federal Constitutional Convention, and first

the following pledge known as "the Association," which had been unanimously adopted May 12th by the General Committee for recommendation to the Provincial Congress to be signed as a test by all citizens:

To unite ourselves under every tie of religion and of honour, and associate as a band in her (America's) defence against every foe, and we do solemnly promise, that whenever her Continental or Provincial Councils shall decree it necessary we will go forth and be ready to sacrifice our lives and fortunes in attempting to secure her *Freedom and Safety*.<sup>1</sup>

A hot debate ensued between the moderate and advanced parties, as the pledge to "go forth and be ready to sacrifice our lives and fortunes" was justly dreaded by the one and welcomed by the other as tending to place the contest beyond the possibility of compromise. The association was adopted, concluding with the pledge to "hold all those persons inimical to the liberty of the colonies who shall refuse to subscribe," and was ordered to be signed by the President and all the members and every patriot throughout the province.<sup>2</sup>

An association seeking to force men into submission by branding all who refused as enemies to their country crossed

cousin of Charles Cotesworth Pinckney.—A. S. Salley, Jr., in *S. C. Hist. Mag.*, ii., 135-8; McCrady, iii., 587; *Royal Gazette*, Sept. 28, 1782. I am under obligation to Miss Mabel Louise Webber, Secretary of the S. C. Historical Asso., for these references.

<sup>1</sup> McCrady, ii., 791, changes Drayton's statement (i., 247) that "the Special Committee were under the necessity of postponing the object of their wishes" of having the Association signed then and there by the order of the General Committee into the statement that "The whole matter was postponed." The motion to postpone the whole matter ("to recommit the association") was lost by 25 to 23. Laurens to John Laurens, May 15, 1775, says: "But three days ago I put the question, 'Is it your pleasure, gentlemen, to agree with your Committee?' When the following association was unanimously approved of. . . . This association, I say, was unanimously approved of in the General Committee, 48 members present—it will be recommended to the Provincial Congress at their first meeting, on the first of June. I have no doubt of its favorable reception there, and I believe it will be subscribed to by the Inhabitants throughout this Colony."—*Hist. Mag.*, x., 100.

<sup>2</sup> *S. C. Hist. Mag.*, viii., 141-2.

Laurens in one of his dearest principles, the sacredness of individual freedom in thought, word, and action. The warmth with which he favored circulating the association on the 15th of May and the greater warmth with which he opposed branding non-signers as enemies of their country on the 4th of June suggest that the denunciatory clause was added in the Congress, a view which is supported by the fact that he does not give it in quoting to John the association as adopted in the General Committee. Nothing could convince him that men whom he had known for life as good citizens were deserving of tar, feathers, confiscation, and banishment because they did not view the problems of the times just as he did. In public and in private he had not hesitated to enforce his calm, just, and courageous views. The order to sign the association offered an opportunity to place upon record his principles which he availed himself of in a manner that does him lasting honor. It was Sunday morning, June 4th, 1775, and the King's birthday, both which circumstances added to the solemnity of the occasion. Rarely was Laurens more highly complimented than by the manner in which his address was received at this critical moment by the excited assembly over which he presided. The order to sign having been passed, "I rose," he says, "and taking the paper in my hand, desired to be heard, and having obtained full permission, delivered my sentiments nearly in the following words":<sup>1</sup>

Gentlemen,

After I have explained myself upon two parts of this Association I shall obey your order and sign it with alacrity. If I subscribe with mental reservations I shall be criminal in my own view and subject myself to the charge on some future day of hypocrisy and dissimulation. This paper, gentlemen, is in its nature and may be in its consequences the most important of any to which my signature has been annexed. I compare it to my last will and testament, but with these awful distinctions: the former is

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<sup>1</sup> In the handwriting of Henry Laurens, President of the Congress, says editor of *S. C. Hist. and Genealogical Mag.*, from which, vol. viii., p. 142, this selection is taken. I have modernized capitalization and punctuation in this quotation, as the carelessness and haste in these particulars can serve no purpose here except to divert attention from the sense.

signed by my hand and sealed with a bit of common black wax; this is to be signed by my hand and may be sealed with my blood. By the former I transmit my estate to my children according to my own will; by signing this I may forfeit my estate into the hands of my enemies. An engagement of this magnitude requires some consideration, and although I hold myself bound by the majority of voices for signing it in its present state, I cannot agree with some gentlemen who have declared their dissent to the insertion of certain words expressive of our "duty and loyalty" to the King, nor with those who according to the bare letter of this Association would persuade us that we ought to hold indiscriminately every man who shall refuse to sign it inimical to the liberty of the colonies. I have not premeditated a speech for this occasion; I have thought much of the subject; my words will flow from the heart. I am not anxious to influence any man. I have concerted measures with no man. What I have to offer will afford no subject for debate; I therefore hope for and humbly claim a patient hearing and a candid interpretation of my sentiments. (The view was general, "Hear the Chair, go on, go on"; but I clearly perceived by the discomposure of a few countenances displeasure was raised in as many hearts.)

The first part, gentlemen, on which I am desirous of explaining my own thoughts is the introduction of ourselves as "Subscribers and inhabitants of this colony" in preference to a proposed amendment by adding these words, "His Majesty's most dutiful and loyal subjects." I attended to your debates, it was my duty to do so, without the interposition of my private opinions. I remarked that gentlemen from all parts of the house approved of the motion for inserting the proposed declaration of duty and loyalty to the King. These were at one time told that such a declaration in the body of a contract to bear arms against the King would be "absurd," "contradictory"; at other times they were quieted by assurances that "the profession of loyalty was implied and to be understood"; that "our Association was only for defense." Upon the whole I was convinced that the proposed declaration was pleasing and acceptable to a great number, probably to a large majority of members; very few I believe would have appeared against it upon a question. I was among the former and have reserved myself to make the declaration explicitly, immediately before I put my name to this paper. Gentlemen, I have taken and repeatedly taken the oath of allegiance to King George the Third. I now profess to be one of His Majesty's most dutiful and loyal subjects, willing at all times to do my utmost in defense of his person, crown and dignity; I neither wish his death nor to remove him from the throne, the crown from his head or the sceptre from his hand. I pray for his life, that he may at a long distant day transmit the crown and sceptre to the only true and legal hereditary heir in the line of the royal house of Hanover. By covenanting in this paper "to go forth, to bear arms, and to repel force by force," I mean to act in terms of my oath of allegiance. His Majesty has been misinformed, ill advised by some of our fellow subjects, who are His Majesty's enemies and



the enemies of his faithful Americans. Against these I am willing, and shall be willing, to bear arms and to repel force by force in any command suitable to my rank, whenever such shall appear in hostile acts against my country. Against every invader of our rights and liberties, I shall be ready to make all possible opposition. I shall do so with the greater cheerfulness from a strong hope of being instrumental in restoring to his Majesty his undoubted right of reigning over a vast empire of freemen (*sic*), of recovering to him the possession of the hearts of millions of his faithful subjects of which he has been robbed by the machinations of a few wicked men who falsely call themselves his friends. These, gentlemen, are the genuine sentiments of my breast. I know the declaration will, however, avail me nothing if we fail of success in our attempts to defend our rights. The longest sword, if a wicked ministry are to be gratified, will measure and establish right. Declarations by the conquered will be treated as mere pretences of loyalty and heard with contempt; nevertheless I feel some satisfaction at present and may find consolation upon a future day, if I should be reduced to a necessity of making explanations from a higher eminence than the pedestal on which I now stand.

The second part of this association on which I desire to explain myself before I subscribe, is the *late subjoined declaration* that "*we will hold all those persons inimical to the liberty of the colonies who shall refuse to subscribe.*" This is a doctrine, gentlemen, which was also, as I well remember, very much disrelished by many of our members. To me, in its fullest extent and according to an opinion<sup>1</sup> just now delivered by a gentleman behind the chair, it is abhorrent and detestable.

I should be a mean wretch if I subscribed to it through fear with mental reservations; I should be a dishonest man, a villain, if I did so before I had made this open declaration; that I hold it possible, I think it probable, I know it certain, that there are men who are not inimical (I wish we had expressed our meaning by an English word; I believe this is not to be found in any of our vulgar dictionaries, and some of us in remote parts of the country may not be possessed of a Latin vocabulary); I say Gentlemen, there are certain men who are not enemies to their country, who are friends to all America, who were born among us, some who have lived to a longer<sup>2</sup> a date than that by which the Royal Psalmist limits the life of man (they are upwards of three score years and ten), whose whole lives have been spent

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<sup>1</sup> My neighbour D. Legare.—"I hope we shall hold every man an enemy who will not sign, hold him so forever and have no dealings. Some told me they would not subscribe to Boston; now we will tell them you *shall* subscribe to this." This horrible tyrannical putt met great applause and provoked me to trouble the Congress and you with this hodge podge.—Laurens's note.

<sup>2</sup> As good old Mr. Manigault, Elias Ball, and many others were in my view.—Lauren's note.

in acts of benignity and public service, acts which prove beyond all controversy their love for their country; such men there are, who, when you present this paper to them, will tell you they are true friends to America. They acknowledge that we are greatly aggrieved and oppressed, they wish well to our cause, are willing to give up their fortunes as security for their good behavior and in testimony of their sincerity, but that they cannot, they dare not, for many reasons, subscribe to the Association. I do not recollect one, 'tis true, but there may be among us some Quakers or men of Quaker principles on the lawfulness of going to war and especially civil war, men who confide in the goodness of our cause and the overruling providence of God. Such men may refuse to subscribe this covenant and yet give you the most indubitable proofs of their friendship and good will towards the colonies.

Other men there are who are not less friendly to America than we ourselves, but who think we have precipitated a measure which ought to have been delayed at least until we had received some advices from our Continental Congress, from our own delegates, in whom we have lodged our whole power and solemnly engaged to be bound by their determinations. Of this class of refusers there may be some who are such staunch, such vigorous friends as will, without hesitation, declare they are willing to bleed and die in defence of the just rights of the colonies when the proper time arrives, but that we are premature, we are too hasty. Can I then, gentlemen, implicitly sign a paper, anathematize good men and declare those to be enemies whom I believe and know to be our friends? I cannot be such a fool; I dare not be such a villain. I hate all dogmatic and arbitrary dictates over men's consciences. Here, gentlemen, is a book from which we have heard prayers, an orthodox book, in which I find a doctrine similar to that which I now object to in our intend-intended association: "Which faith except every one do keep whole and undefiled without doubt he shall perish everlastingly." Long was this Athanasian test a stumbling block in the cause of religion in general, a bar to the honour and prosperity of the church established by law. Upon that foundation deists erected their batteries, luke warm Christians pleaded for their indifferences. How, said such men, can a religion which contains such unmerciful doctrines be true or acceptable to mankind? Honest minded men of nervous and fervorous zeal for the same religion abandoned and detested that church which maintained such intolerant damning tenets as essential to salvation.

When I was a boy, before there were any settled principles of religion in my mind, I have heard my father and my mother and many other good old people profess that creed with great warmth of devotion, I at the same time inwardly exclaiming, "This can't be true; I cannot believe it." I would not join the bigots to mother church. At length the day came when that church tacitly reprobated her favorite system which stands in her common prayer as the stated test of orthodox faith to be made on certain solemn days, of which this happens to be one. It is no more heard; our churches

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are silent, and (here I was going on to draw a parallel between the reprobatory clauses in our association and the creed of St. Athanasius, but Mr. Parson Tenant<sup>\*</sup> very rudely interrupted me. "The Chair," said he, "is out of order"—"I think the chair is out of order." I begged his pardon. "I had permission to speak and was, as I humbly conceived, in very good order." He proceeded in attempting to confuse me. I exclaimed, "I will speak; I will be heard or I will be the first man who will refuse to sign your paper. I speak not merely as your President, I speak as a member, a free man. If I am not heard as a man I will not sign as your President. The utmost of your resentment will be to take my life. Take it and deprive me of a very few years. I will not hold a life upon dishonorable terms. I will not be forced to sign any paper contrary to the dictates of my conscience to save my life." The universal voice was "Go on Mr. President"; "Go on"; "Hear the chair"; "Hear the chair.")

After a moment's pause I concluded: Gentlemen, I meant to say in a few words that I *could not*, I *dared not*, promise to hold any man an enemy to the colonies if I knew him to be a friend, merely because he would not, at first asking, subscribe this association which I hold in my hand. I have proved what we all know, that many cases may exist, if (*sic*; of?) refusal to sign this paper by men who are firm friends to our cause—But perhaps my abhorrence to intolerant doctrines may not be palatable to some gentlemen, nor my reasoning allowed to be applicable to our present case because I have referred only to my own feelings and to one instance of arbitrary rule over the consciences of men in tenets of religion. Permit me therefore, to produce one instance of noble toleration in the political walk, an example which greatly influences my mind and which I recommend as worthy our imitation. I remember to have read an anecdote in Dalrymple's *Memoirs* and have been reading it this morning, of an ancestor of the late Lord Lyttelton, Sir Charles, who had been an officer of distinction under King James 2d and had also been active in the Revolution and bringing in the Prince of Orange. When that prince was seated on the throne and declared King of England, he offered Sir Charles a regiment in Flanders and to make him a Major General. Sir Charles declined the promotion. The King desired to know why he refused. He answered, "Because I am under great obligation to my old master. I hear he will be *there*. If he should be

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<sup>\*</sup> A Congregationalist minister active in Revolutionary politics. "Jan. 11, 1777, he delivered an address in the House of Assembly on the subject of religious liberty. This address has become historical." His influence was strong in the movement leading to disestablishing the Episcopal state church in 1778. He doubtless objected to Laurens's mixing politics with the creed of the establishment. He was among the most able and influential leaders of the progressive party, but died in 1777. Laurens for both political and religious reasons has plentiful sneers at "parson Tennent." —D. D. W.

*in the camp* I dare not trust myself; I fear I should go over to him." The King replied, "You are a man of honour, Sir Charles; you act upon principle; don't disturb the government and we shall be very good friends."

This example of toleration, I say, is worthy of our imitation. I would not mean to prescribe for other gentlemen, but I declare the spirit of persecution is hateful to *me*; it is impossible for *me* to cherish it. Men may agree in general and in the grand essential points, but no two men believe in all points exactly alike. Some men<sup>1</sup> can swallow the doctrine of predestination without a gulp who hold that of transubstantiation ab[ ]<sup>2</sup> and blasphemous. I have been led, gentlemen, into these particulars by that declaration which I heard from behind the chair, "that we should, that we ought to, hold every man without exception who should refuse to sign the Association, an enemy"—"hold him an enemy and forbear all dealings or intercourse with him forever." Gentlemen, 'tis impossible for me to sign upon such terms. I am, as I have repeatedly said, certain that some will refuse to sign who are friends to our cause. If I know a man to be our friend, how can I be so base as to stigmatize him by the harsh epithet of enemy? But understand me right; I mean no unfavorable salvo for particular purposes. No, I shall in all cases exercise my judgment and make an honest determination. I think I shall be able to distinguish between mere pretences of men who have never given any proofs of their friendship or attachment and those whose lives have been devoted to the service of our country. I say I shall make the proper distinction and determine accordingly. And now, under these necessary explanations of my duty and loyalty to my King and charity for my neighbors, I will cheerfully subscribe this association with my hand and upon proper occasion be ready to seal it with my blood.

And then without a shaking hand I signed—

HENRY LAURENS.

This noble address, ringing in every line with courage, exhibits several things about Laurens very strongly. In the first place, the harmony between himself and the majority of his hearers shows how thoroughly representative he was of the

<sup>1</sup> Mr. Tennent, I am told, holds the most absolute and rigid principles of the doctrine of predestination. He claims toleration; he is entitled to it; but alas! from my short acquaintance with him I have found him totally void of charity for other men.

You will remember that if Dan Legare's abominable resolution to disgrace and ruin two or three of my friends and friends of America, and one in particular to whom he pointed, had not been vomited forth in the most uncharitable, unchristian terms, I should have not spoken twenty words; so many would have been sufficient for my purpose.—Laurens's note.

<sup>2</sup> Break in the MS. Abhorrent? Abominable? Absurd?—D. D. W.

great body in his moderation and fair-mindedness. In his attitude upon the issue between Great Britain and South Carolina Laurens stood at this time on the same ground that Stephen Langton and Simon de Montfort had occupied, nor was he then prepared to go any further than they. The noblest sentiment of his speech is his detestation of all tyranny, under whatever guise or with whatever excuse parading, and his determination to respect and defend the rights of the minority.

Though Laurens respected the honest opponent of the revolutionary movement generally execrated as a "Tory," there was one class for whom he had no respect and little sympathy: the trimmers who tried to stand with both sides so as to save their possessions. "Property men," he calls them. "Such men deserve no station of honor on either side. I have no pity for them, while I sincerely commiserate every suffering, candid man, though my enemy."<sup>1</sup> If this spirit had governed all the partisans of the Revolution in South Carolina, the next seven years would have been spared some very sad history.

Ten days later the Congress took a further step in systematizing the revolutionary organization by creating an executive of almost unlimited powers in the form of a Council of Safety of thirteen members. The Council chose Laurens as its President. The influence which he had wielded as President of the General Committee, the previous loose executive, and President of the revolutionary legislature was thus transformed into a more definite authority, and for the next eight months he was virtually the chief executive of the State, although it is not quite accurate to speak of him, as is sometimes done, as "President of South Carolina."

The Congress, having ordered the raising of about two thousand troops, the issue of £1,000,000 paper money, and the election of a Second Provincial Congress in August, adjourned, June 22d.<sup>2</sup>

<sup>1</sup> Laurens to John Laurens, Aug. 14, 1776, in *S. C. Hist. Mag.*, x., 53.

<sup>2</sup> Drayton, i., 255 and 264. The Commons House of Assembly, July 12, pledged the redemption of the £1,000,000 certificates. Drayton, ii., 10.

Laurens's calm justice was manifested also in his attitude towards the prevailing panic of a slave insurrection. Jerry, a negro pilot, was hanged August 18, 1775, for saying he would pilot the British over the bar and conspiring to raise an insurrection and burn the city. Although I do not know Laurens's attitude on the Jerry case, he considered the panic exaggerated and protested against even the whipping of a slave against whom there was no clear proof of guilt.<sup>1</sup> To him the tarring and feathering during the summer were revolting and seemed calculated to do the cause of liberty more harm than good. The Council of Safety was almost evenly divided between the conservatives and progressives, with neither of whom, says McCrady, the President seems to have taken any decided part, a verdict which seems to be countenanced by the fact that Drayton in naming the two factions omits Laurens alone from his classification. What we know from his own character and papers sustains the same view.<sup>2</sup>

The General Committee, which, as remarked above, still existed as a sort of residuary legatee of authority, deeming the Council of Safety inactive, demanded the fortification of the city and harbor. Laurens did not enter heartily into these plans. He defeated the first proposal to obstruct the harbor and again in September, 1775, strongly opposed the sinking of vessels to block the entrance.<sup>3</sup> The casting vote of the President was necessary in the Council of Safety, and though he condemned both the measure and the means for accomplishing it, he turned the decision to the affirmative, in the hope, says Drayton,<sup>4</sup> that the public ardor should not be cooled and that in the meantime something better might be devised. The scheme proved impracticable, as might have been foreseen with one channel of a mile and another of half a mile in width.

In October, 1775, Laurens's stiff defense of his policy of justice to individuals involved him in a quarrel which threatened

<sup>1</sup> Drayton, ii., 24 and note; Laurens to John Laurens, June 23, 1775.

<sup>2</sup> McCrady, iii., 30; Drayton, i., 318.

<sup>3</sup> Laurens to John Laurens, Sept. 23, 1775; *S. C. Hist. Mag.*, v., 73-8.

<sup>4</sup> *Memoirs*, ii., 54-6.

his life. Young Mr. John Faucheraud Grimké, just returned from England, left at the residence of his father John Paul Grimké some letters with which he had been entrusted. Laurens's account of what happened is as follows: The elder Grimké asked Laurens if he would submit some of the letters to the Committee, as they were addressed to "suspected persons." Laurens replied that he was of no committee which opened private letters; Grimké pressing the subject, Laurens assured him that he never concerned himself with such matters. Taking a package of newspapers addressed to printer Wells, who always lent him his papers, Laurens departed and delivered the package unopened to its owner.

Grimké senior delivered the suspected letters to printer Timothy, active in the radical party, who carried them to Arthur Middleton, an aggressive leader and a member of the "Secret Committee," who upon his own responsibility opened them, afterward returning them through Timothy to Grimké senior.

Young Grimké now enters upon the scene. Laurens surmised that the letter openers, having discovered that they had gone too far, sought to protect themselves by claiming that their act had been done upon his authority, and incidentally to punish him for the condemnation which he had always placed upon this practice. He was President of the Council of Safety and had seen the letters. In the course of an angry controversy, begun without provocation by young Grimké and carried on by personal interviews, notes, and newspaper articles, young Grimké charged that Laurens had advised the opening of the letters. This is the only material matter in which the men contradict. Young Grimké asserted that Timothy said that old Grimké told him that Laurens advised sending the letters to the Council of Safety. Not to go into other features of young Grimké's course very unfavorable to his frankness, the question naturally arises, why did he not secure directly from his father a point-blank statement that Laurens advised sending the letters to the Council of Safety? The inference amounts to a moral certainty that he could not have got such a certificate from his father. Laurens "heard

and overheard one of the party twice say that old Grimké ought to be indemnified and saved, as he had intended to serve the public."

To the charge supported by such roundabout testimony, instead of which the direct evidence would surely have been used if it had existed, Laurens opposed his positive denial of having advised the opening of the letters, supported by his entire past record in such matters. He concluded with some severe reflections upon the young man's character and an expression of readiness to meet him upon the field of honor. In the duel which followed, October 17th, Laurens, in obedience to his frequently declared principle, refused to fire. Grimké's pistol snapped.

Whether young Grimké was egged on by a clique seeking, as Laurens said, "punishing a fellow who had refused to '*serve the people*' by tearing loose all the bands of society," each must judge for himself. There can be no doubt that an angry sense of guilt was a prominent factor.

Laurens expressed his "abhorrence of duels" and spoke of the affair as "such folly, such madness"; yet this was his second or third affair.<sup>1</sup> He records, "more than once that I had bravery enough to stand and be shot at, but was too great a coward to kill any man except by necessity." It is not surprising that his solemn admonition on this occasion to John Laurens proved unavailing. When that fiery young gentleman was upbraided with the folly of his conduct in fighting Charles Lee for his reflections upon Washington, he could point to his father as a good preacher but a worse sinner than himself.

Laurens's only defense for inviting Grimké's challenge was

<sup>1</sup> Laurens may have fought a duel in connection with the Middleton-Grant quarrel of 1761, but I do not think so. His allusion to "more than once" having had "bravery enough to stand and be shot at" may include, Mr. A. S. Salley, Jr., suggests, the duel arranged but not fought with Egerton Leigh. On the same occasion Customs Officer Moore also sent him a challenge but failed to stay to fight.

John Lewis Gervais was Laurens's second in the Grimké duel. The account is drawn from the abstract of the newspaper articles, etc., and Laurens's account to John Laurens in the *S. C. Hist. Mag.*, v., 125-30, unless otherwise stated.



that he considered it necessary in order to crush a clique who, he thought, in the style of the tyranny of the crowd over men's consciences then so common, were seeking to hound him down.

It is impossible [he wrote to his brother James], that young Grimké should have acted such a part as he has if he had not been set on by three or four people who hate me because I detest and discountenance the practice of opening private letters. . . . I cannot think this foolish young man has cleared his reputation by snapping a pistol, well aimed and no doubt well loaded, at my breast.<sup>1</sup>

Laurens's enlightened and honorable character shows to advantage in his opposition both to duelling and opening private letters when both were ordinary practices with the English ministers. One of the items of expense to that government in ordinary times of peace was the engraving of counterfeit seals to use on the pillaged correspondence of leaders of the opposition. George III. himself gave considerable time to the perusal of private letters rifled in the post office.<sup>2</sup>

The middle of September, 1775, was a turning point in the history of the Revolution in South Carolina. A government had been organized and had undertaken many of the functions of sovereignty; thousands of her citizens arrayed in arms against each other at Ninety-Six had barely avoided a bloody battle, and the provincial troops had seized Fort Johnson.<sup>3</sup> The party of action having thus far succeeded, would, unless restrained, soon render reconciliation impossible. Laurens feared that the last irretrievable step would soon plunge the country into civil war, but reluctant as he was for such an outcome, he stood ready to take it if there was no other road to freedom. The following letter of October 20, 1775, to his brother James in England probably expresses the feelings of a majority of his fellow-citizens at that time:

If it pleases God to permit them (his children) to participate in that estate, which a few months ago everybody called large, but which in our

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<sup>1</sup> Laurens had previously been a friend of the Grimkés, and it is pleasant to record that twelve years after this he speaks of "my good friend John Paul Grimké" and does his daughter a kindness.—Letter of March 10, 1787.

<sup>2</sup> Trevelyan, i., 158-9.

<sup>3</sup> Drayton, ii., 30.

present circumstances is of very little value to them and which stands upon the very brink of annihilation with respect to them and me—for although I will not join in every mad scheme of my brethren here, yet I am resolved to hazard all that estate rather than submit to the tyranny of those brethren who are on your side of the water. . . . We might have acted with more wisdom than we have discovered in South Carolina. I have been uniformly of one opinion from the hour in which I dared to plead against taking the reins of government into our hands; and every hour since has verified and confirmed my declaration of what would naturally follow from that injurious determination. At length we have driven ourselves into a labyrinth; rash men have devised means of affronting the King's government in many instances too grossly to be borne. Ignorant and timid men have been persuaded to join them to make up a majority, and they have gone too far to retreat. (Then follows a picture of the distress he has witnessed from hundreds of families leaving the town from fear of bombardment, etc.) . . .

Much money has been spent in half repairs of our fortifications, which would be useless at best. (Then follows an account of the fortifications, ships, etc.) . . . I desire the gentlemen around the table to take heed and not outrun the million—On the 1st November the Provincial Congress will meet—the whole colony will be fully represented—possibly they may not approve of all the measures of a majority of *five* in matters of the utmost importance, and perhaps they may think that burthening the whole people with immense taxes for *vain* attempts to secure Charleston may not be calculated for promoting the welfare of the colony, and the real interest of America. (Then follow expressions of dissatisfaction at the enforcement of the Association, particularly upon old, respected citizens.) . . . I saw what would be the consequences of forcing men's consciences. . . .

God deliver us from Kingly, ministerial and popular tyranny! But the honest heart will go free amidst all these raging powers.

The Second Provincial Congress met in its first session November 1–29, 1775. Christopher Gadsden being absent at the Continental Congress, the leadership of the Progressives fell to William Henry Drayton, and right nobly did this brave and gifted young patriot of thirty-three conduct his wavering countrymen. South Carolina cannot too highly honor him as the one man to whom more than any other is due the credit of the State's affairs being managed with a spirit befitting the crisis through which she, with all America, was passing during the latter half of 1775. There was no one else upon the scene of action entertaining the progressive views which the situation demanded and willing to take the plunge who was possessed of the abilities, the varied talents, the address, the influence,

which were necessary successfully to play the part filled by Drayton. It may indeed be questioned whether the patriarch of the Revolution in South Carolina, Christopher Gadsden himself, could, on account of his disposition, have done so well. Drayton was courage, energy, tact, and ingenuity personified. Placed in the chair at the opening of the Second Provincial Congress by the moderates in order to silence his voice, he converted the colorless office of moderator of an uncertain and divided deliberative body into the generalship of an army on campaign and vastly strengthened his influence by the means which his opponents had employed to reduce him to a figure-head. Removed by the same party to the solemn and supposedly innocuous post of Chief Justice, he at once used his position of enhanced dignity to support by principles of law the ideas he had advocated as a politician, and in a charge which has rung round the world he proclaimed the independence of America as the necessity of manifest destiny, before the motion for independence had even been introduced in Congress.<sup>1</sup>

Continued confidence in Laurens was manifested by the fact that during the Second Congress he was a member of almost every important committee, was generally chairman, and was elected President of the Second Council of Safety as he had been the First.<sup>2</sup> November 15, 1775, he was made one of a committee along with Drayton, Charles Pinckney, Thomas Heyward, and Moultrie sometimes known as the "dictatorship committee," to whom the safety of the province was entrusted between sessions from day to day in apprehension of an attack from the ships in the harbor.<sup>3</sup>

It was during this session that the first battles of the Revolution in South Carolina occurred. On November 11th there was a bloodless cannonade between the South Carolina ships seeking to obstruct Hog Island Channel and the royal vessels. November 19th-21st a more serious conflict occurred between Major Williamson commanding almost six hundred Whigs

<sup>1</sup> This famous charge to the Grand Jury was delivered April 23, 1776. It is printed in Moore's *American Eloquence*, i., 50.

<sup>2</sup> Drayton, ii., 61, 79; Chap. xiii. *et passim*.

<sup>3</sup> McCrady, iii., 82.

within a fort at Ninety-Six and Major Robinson commanding almost two thousand Tories, in which there were thirty-four killed and wounded.<sup>1</sup>

The Congress having adjourned, November 29th, the Second Council of Safety assumed control. This body was marked by a vigor which the First Council lacked. They sent Col. Richardson during November and December northwestward almost from end to end of the province with a force of eventually over four thousand and so intimidated the Tories that they did not again stir until after the fall of Charleston in 1780.<sup>2</sup> The General Committee ceased to meet after December 27th. The British ships were expelled from the harbor and several slight fortifications were erected.<sup>3</sup>

The Provincial Congress reconvened February 1, 1776. Laurens would then have been elected a delegate to the Continental Congress, but "it was very fortunate for me," he wrote, "that gentlemen were pleased to think they could not spare me from the Council of Safety; a long absence from home would have hastened and completed the ruin of my plantation affairs, which even now suffer extremely."<sup>4</sup> In the midst of the session, every day of which was hurrying the province into the State, he wrote to his intimate friend William Manning of London, that there was still a possibility of reconciliation, but that what would have been easy six months ago would be up-hill work now. His own efforts, much as he desired the restoration of the old relations, were to stir all Americans to such a sense of their wrongs that they would never lay down their arms without redress. If all that has been done, he continues, was known to the ignorant back-country people, they would "become as violent Liberty Boys as Hancock or Adams." Certain Tory prisoners whom he visited in jail desired to remain neutral; he told them that would be odious and laid before them the Declaratory Act.

<sup>1</sup> Drayton, ii., 72-3, 118-22.

<sup>2</sup> McCrady, iii., 587-8.

<sup>3</sup> Drayton, ii., 161-6.

<sup>4</sup> Laurens to John Laurens, Feb. 22, 1776.

"What!" said the spokesman; "'to bind us in all cases whatsoever?' Why, then how can we be free; we are as bad off as the negroes."

What a scene is here! [Laurens continues:] War and bloodshed—brothers' blood! What blame do those deserve who first invited and those who by timely application might have prevented these calamities.<sup>1</sup>

Meanwhile, following the advice of the Continental Congress in reply to their request for guidance, the Provincial Congress took up the formation of a constitution to serve until the adjustment of the existing quarrel with Great Britain. On February 10th, Col. Laurens reported from the committee on the Constitution,

That in their opinion, the present mode of conducting public affairs is inadequate to the well governing of the good people of this Colony; that many regulations are wanting for securing peace and good order during the unhappy disputes between Great Britain and the Colonies; and that the Congress should immediately take under consideration what regulations are necessary for these good purposes.<sup>2</sup>

It was in debating the report this same day that Gadsden, in harmony with Paine's *Common Sense*, the first copy of which to reach South Carolina he had just brought from Philadelphia, declared his sentiment for absolute independence. The suggestion was received with execrations, and if it had been pressed by the few who were of Gadsden's opinion would have broken up the Congress. Laurens bore his testimony against Paine's principles "and against those indecent expressions with which the pages abound"; and Rutledge declared that he would ride post night and day to Philadelphia to prevent a separation from the mother country.<sup>3</sup>

Laurens was a member of the committee of eleven, embracing men of every shade of opinion, elected next day to report the draft of a constitution. The moderates were represented by eight men, the extremists by three.<sup>4</sup> The most influential member was Rutledge. The opposition to any constitution, with its temporary character howsoever strictly defined in its

<sup>1</sup> Laurens to Manning, Feb. 27, 1776.

<sup>2</sup> Drayton, ii., 172-3.

<sup>3</sup> Drayton ii., 173; Laurens to John Laurens, Feb. 28, 1776, in L. I. Hist. Soc. MSS.

<sup>4</sup> McCrady, iii., 110; Drayton, ii., chap. iii.

preamble, was overcome by the arrival of the news of the act of Parliament of the previous December 21st denouncing confiscation and seizure against the Americans as rebels. The morning of March 26th the Constitution was adopted to serve until the hoped-for reconciliation with the mother country, and the Provincial Congress adjourned to meet in the afternoon as the General Assembly.

Two days later Laurens wrote to John approving the step that had been taken, as it will give better government than South Carolina has had in years—an allusion to the Wilkes fund deadlock and the long continued degeneration of the Council. Probably in no colony did the struggle for local rights merge more perfectly into the struggle for general American rights than in South Carolina; and but for the real and substantial character of the former, the latter would have been deprived of much of the momentum which carried it to success.

The transformed Provincial Congress of the morning meeting in the afternoon as the General Assembly proceeded to elect a Legislative Council, or upper house, of thirteen members, of whom Laurens was one. The two houses then elected a President and Vice-President, and, says McCrady,<sup>1</sup>

no better selection could have been made than John Rutledge, who was chosen President, and Henry Laurens Vice-President.<sup>2</sup> Both these gentlemen were earnest in the maintenance of what they conceived to be their rights as English-born freemen; but neither was prepared for separation from the mother country. They both represented the real sentiment of at least the most substantial people in the colony. They were English Whigs, seeking the redress of their grievances by constitutional means, and in maintaining which they were prepared to shed their blood if necessary, as many Englishmen had done before, but neither was in favor of the New England idea of independence.

From first to last none so truly represented the sentiments of their fellow-citizens or were so respected and trusted in the

<sup>1</sup> iii., 115.

<sup>2</sup> Laurens remained Vice-President until June 27, 1777, when, being absent in the Continental Congress, James Parsons was chosen Vice-President.—*S. C. and American General Gazette*, July 3, 1777.

great and perplexing issues of the Revolution as these two. Drayton and Gadsden appeal more stirringly to our imagination by their boldness and decision; but we are forced to concede that neither of them so faithfully reflected the public mind of South Carolina or so fully shared its confidence.

But Laurens was not so conservative as Rutledge. An interesting commentary is furnished by the latter's resignation of the Presidency in 1778 rather than accede to the new Constitution superseding the temporary one of 1776, and the former's condemnation of his course. In explaining to Laurens his reasons, Rutledge pursued very much the same line of argument as in his speech before the Legislature, except that he omitted any reference to his opposition to closing the door to reconciliation with England. He urged very ably the principle later applied by the Supreme Court of the State to the same question, that the Legislature is unable to abrogate the Constitution, though the Court was more logical and declared that neither could it impose one, even under the extraordinary circumstances of 1776; but his statement "that such power is only in the people, on a dissolution of the government or subversion of the Constitution," shows that he had not thought out any definite plan for constitutional changes, like the convention idea which later developed. He was still too much under the shadow of England's slowly evolved, unwritten custom for that. Though Laurens's view of the resignation would be influenced by his friendship for Rutledge, still it is significant that he condemned it, and he had been convinced that England's own acts had rendered independence "necessary and unavoidable."<sup>1</sup>

In the form and terms of the temporary Constitution the conservatives had gained a decided victory, and only the progress of actual war could throw control again into the hands of the party of Gadsden and Drayton. Three months later the battle of Fort Moultrie swept public opinion into support

<sup>1</sup> Rutledge to Laurens, March 8, 1778; Laurens to Rutledge, May 4, 1778. I am indebted to Prof. W. W. Carson, of the University of Wisconsin for the copy of Rutledge's letter from the original MS. in the Wisconsin Hist. Soc. Library.

of independence. That Vice-President Laurens was not idle at the time of the attempted British invasion is testified by the following account of his activities at that time:

I thought it my duty to add to the dignity of V. President of the colony (now State) the several offices of engineer, superintendent of works, etc. I, who you know had resolved never again to mount a horse, I who thought it impossible for me to gallop five miles in a day, was seen for a month and more on the back of a lively nag at half past 4 in the morning, sometimes galloping twenty miles before breakfast, and often sitting the horse 14 hours in 18.<sup>1</sup>

In the heat of battle and flow of blood South Carolina was welded to the cause of independence and prepared to receive with joy a few weeks later the news of the Declaration. Laurens thought at the time that Congress had been too hasty in shutting the door to reconciliation; but he was then ignorant of the act of Parliament putting the Americans out of the King's protection, and if he had been in Congress and known of that, he would have signed the Declaration of Independence as an already accomplished fact, the publication of which this act of Great Britain's had rendered "necessary and unavoidable." Yet it wrung his heart, however "necessary and unavoidable," to be driven from the empire in which he had been born and nourished, which held so many of his cherished friends and which he had so long loved with an ardent patriotism.

While in the Tower of London, he wrote to a friend who had informed him that he was criticized because as President of Congress he had been a zealous promoter of the Declaration of Independence, that he was not even in Congress at the time, that he was in deep mourning when the news reached Charleston, and that some took grave offense at his appearing in that garb at the proclamation of the Declaration. "In truth, I wept that day as I had done for the melancholy catastrophe which caused me to put on black clothes—the death of a son, and felt much more pain."<sup>2</sup> In a letter of February, 1776, he

<sup>1</sup> Laurens to John Laurens, Aug. 14, 1776, in *S. C. Hist. Mag.*, x., 50.

<sup>2</sup> His youngest son James had recently died in London from a fall.



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says: "One more year will enable us to be independent. Ah! that word cuts me deep—has caused tears to trickle down my cheeks"; and he compares himself to a dutiful son "thrust by the hand of violence out of his father's house" and grieves that his children must be called by some new name. But, he says, standing as the representative of posterity, he dared not betray the trust. Once convinced that independence was necessary for America's best interests, he never wavered in his fidelity to the cause.

At the time of his election, Laurens protested against being made Vice-President, even declared he would not serve, and left the house. His private affairs had already suffered by his long absence in England, followed by his steady public employment as head of the executive since June, 1775. The period following the suppression of the back-country Tories, the adoption of the Constitution, and the repulse of the British, was followed by a long period of comparative tranquillity. Relieved except for occasional interruptions from the burden of public duties, he was left free to attend to his private affairs and does not again appear prominently in politics until his election to the Continental Congress in 1777.

## CHAPTER XVII

### FIRST MONTHS IN THE CONTINENTAL CONGRESS, 1777

THE relief from the constant pressure of public duties afforded Laurens by the Council of Safety's being superseded by the government under the Constitution was brief. January 10, 1777, he was elected a member of the Continental Congress despite his protest that his private affairs would not allow his absence; but his State refused to surrender his services. "I call it therefore a command—I go."<sup>1</sup> The decision was final. In full realization of what it involved, putting every consideration after his duty to his country, Laurens now entered upon a period of seven years' service during which at heavy cost in family interest, property, and health he illustrated the virtue of that public spirit the lack of which his experience in Congress taught him to regard as the most dangerous hindrance to the success of the Revolution. His sons remained at school in England, where his two daughters had been sent with his ill brother, Mr. James Laurens, in the summer of 1775. The associations becoming unpleasant after the French treaty, the daughters with their uncle and aunt went early in April, 1778,<sup>2</sup> to Nismes and remained in southern France at the nearby town of Vigan until the conclusion of the war. John soon joined his countrymen in their struggle for independence, and only the youthful Henry remained in the enemy's country.

<sup>1</sup> Laurens to John Laurens, Feb. 3, 1777. The members elected on Jan. 10 are named in the following order: Arthur Middleton, Thomas Heyward, Jr. (who were already members), and Henry Laurens. On the 21st Charles Pinckney and Paul Trapier, Jr., were also elected, but neither ever attended Congress. *Jours. of Cong.*, vii., 129-30. During Laurens's long absence now beginning, his friend John Lewis Gervais looked after his interests.

<sup>2</sup> Manning to Laurens, April 11, 1778.

Passing through Camden, S. C., and Salisbury, N. C., Laurens reached Philadelphia July 21st and the next morning joined his colleagues upon the floor of Congress.<sup>1</sup> Middleton and Heyward were at the time of their reelection in their places and were for some months the only representatives from their State. No explanation of Laurens's delay in repairing to his post suggests itself except necessary attention to his long-neglected affairs before leaving them under still more threatening circumstances for a still longer period. He was entering upon one of the most useful and creditable phases of his public life. His long experience as a large merchant, his successful administration of a number of extensive plantations, his training as a leading member of the Commons House of Assembly, and his year as the executive head of the revolutionary government of South Carolina had afforded opportunities for the development of his abilities of counsel and administration. The liberality of his character was manifested on the wider field upon which he now moved as in the narrower ones through which we have already followed him. The most notable fact in his career in Congress is that he habitually took broad, national views. He was unsparing in his condemnation of the spirit of party and sectionalism, and I am not aware of any vote in which he stooped from the high position of an American statesman to the narrow, selfish views of a partisan of a section, and in connection with only one subject can he be accused of overlooking justice in the zeal of faction.<sup>2</sup>

When Laurens took his seat Congress had already begun to suffer that loss of its most able members which was finally to impair so seriously its character and efficiency. John Rutledge, feeling that he could serve the common cause to more effect in South Carolina than Philadelphia, had retired to become the mainstay of his commonwealth during the trying years which followed, and others had answered similar calls. The necessity of sending some of the ablest men to foreign

<sup>1</sup> Laurens to Gervais, July 25, 1777, and to McIntosh, Aug. 11, 1777, and letters en route; *S. C. Hist. Soc. Collections*, i., 69; *Jours. Cong.*, viii., 570. Clearly he arrived the 21st, though one letter says the 20th.

<sup>2</sup> See Chapter XXI., describing his conduct toward Silas Deane.

courts withdrew a smaller number, but they were such men as to make their loss irreparable. Franklin and John Adams counted for more than most complete delegations. Far-sighted statesmen saw that this heavy drain of the ablest and most upright portion of the common council threatened the very existence of the union. Moreover the situation of the Congress at the best was precarious and difficult. Suddenly placed under the necessity of conducting a war, it was unsupplied with every power, authority, and resource for its task and could rely only on a steady sense of public duty in its constituents—a devotion which it was useless to expect. The war was conducted without any formal constitution, adequate authority, or orderly government, and in the face of an apathetic or hostile party embracing probably a majority of the population. Yet under difficulties almost beyond the belief of a generation accustomed to well-ordered institutions enjoying an authority beyond derogation and supported by an ardent patriotism practically universal, the old Congress in one way and another kept the government going and, with the aid of their great General and a handful of devoted patriots up and down the country, brought it to a successful termination and meanwhile performed a service for which they have received scant recognition in laying the permanent foundations of national administration which endure to this day.<sup>1</sup> A Congressman had a difficult and thankless task, and those who performed it with ability and disinterested patriotism deserve a credit which they have not usually received. The earlier runners in a relay race have been forgotten in the shouts of acclamation for those of the later course who arrived bearing the torch of a completed constitutional system. The final runner could not take even his first step until the previous bearer of progress had arrived, and doubtless the first mile was as dusty and toilsome as the last.<sup>2</sup>

<sup>1</sup> Friedenwald: "The Development of the Executive Departments," in *Essays in the Constitutional History of the United States, 1775-89*; edited by J. F. Jamison.

<sup>2</sup> For a juster estimate of the old Congress than is usually found see *Report of American Hist. Asso. for 1894*, 236, quoting McMaster; also Trevelyan, iii., 19-29, and Friedenwald as cited above.

Three days after taking his seat Laurens was elected as chairman of a committee on the condition of Georgia<sup>1</sup> and during the three months elapsing before his election as president he served upon fourteen different committees. The practice of Congress was to elect its committees without nominations, and on eight of the fourteen Laurens's name appears at the head.<sup>2</sup> Evidently Congress found out right quickly that the new member from South Carolina was, as Daniel Roberdeau of Pennsylvania put it, "a worthy, sensible, indefatigable gentleman." After a month's acquaintance John Adams wrote:

I feel a strong affection for South Carolina for several reasons. 1. I think them as stanch patriots as any in America. 2. I think them as brave. 3. They are the only people in America, who have maintained a post and defended a fort. 4. They have sent us a new delegate whom I greatly admire, Mr. Laurens, their Lieutenant Governor, a gentleman of great fortune, great abilities, modesty and integrity, and great experience too. If all the States would send us such men, it would be a pleasure to be here.<sup>3</sup>

We find Laurens associated on committees four times with James Wilson of Pennsylvania, five times with John Adams and twice with Samuel Adams. Probably the strong friendship and esteem which was during the following years exhibited between him and the Adamses originated in the intimate relations and heavy drudgery of the committee room. But independent of this, Congress was a small body in which each member would much better learn his associates in the quiet counsels of the small room in Independence Hall than in the difficult enterprise, as Mr. Bryce expresses it, of trying to talk calm sense at the top of one's voice in such a vast auditorium as the Representatives' chamber in Washington.

<sup>1</sup> *Journals*, viii., 579.

<sup>2</sup> Whether the member elected at the head of the ticket was thereby the chairman or whether the committee chose its chairman I do not know. I find the statement (*Jours.*, ix., 1055), "Henry Laurens, President of the Marine Committee." In the list of this committee, for 1777, *Jours.*, ix., 1079, the editor has omitted all the names added on October 14, 1777.

<sup>3</sup> John Adams to Mrs. Adams, Aug. 19, 1777, in *Familiar Letters*, 292.

A member of the old Congress had indeed to be "indefatigable" if he discharged the duties falling to his lot. There were the regular legislative routine and many things outside ordinary legislation. For instance, by resolution of September 11, 1777, the Committee on Commerce was ordered to import 20,000 Bibles. There were the constant stress of providing for the armies, a large part—doubtless too large a part—in directing the movement of troops, the framing of a permanent constitution, the importunities of foreign adventurers, hundreds of petitions from aggrieved individuals, hundreds of requests proper to be sent to a court of claims, and in addition to all these, the foreign relations of the country.

We may notice briefly the rules under which the old Congress worked before the adoption of the Articles of Confederation. The custom of electing committees without nominations has been noticed. Each State counted one voice, and each State laid down the rule as to how many of its representatives must be present in order to cast her vote. Questions were decided by a majority of the States voting, tied States being disregarded.<sup>1</sup> It is fortunate that the adoption of the Articles of

<sup>1</sup> Take, e.g., a vote on November 26, 1777, of which the *Journal* records, "So it was resolved in the affirmative," five States voting ay, four no, and two tied. There is much misapprehension as to the rule of voting in the Continental Congress before the Articles of Confederation went into effect. So eminent an author as Dr. Wharton, in his *Diplomatic Correspondence*, i., 275, states that "by a resolution of Congress of October 14, 1777, two members were necessary to entitle a State to vote." The resolution to which he refers will be found on examination to be a vote on adopting a clause in the Articles regarding the requirements for voting. Congress had no right to prescribe to a State how it should choose to confide its power, as each State had a practically unlimited right to settle that question for itself until after the Articles were adopted by the consent of the States. Occasionally a State did forbid its vote to be cast by less than two of its representatives. New York, e. g., did as a matter of fact impose such a requirement, May 13, 1777, so that the incapacity of one representative from that State to cast its vote, of which Wharton is speaking, is true, though not on account of Congressional action. South Carolina specifically authorized one delegate to cast her vote, and the examination of the Journals shows that instructions of this kind were studiously obeyed. *E. g.*, *Journals*, vii., 130; viii., 396; x., 27 and 104. Massachusetts required

Confederation, with their requirement of nine votes to carry any matter of importance, did not come until the Revolution was almost won; for, as has been truly said, the war could not have been conducted under their regulations.

The approach of the British army made it necessary for Congress to leave Philadelphia. On September 14, 1777, it was resolved that if flight should become unavoidable, they would meet in Lancaster, a town about sixty miles to the west. A dispatch from Col. Alexander Hamilton arriving after adjournment on the 18th that the British were about to cross the Schuylkill, the members were notified, and each evacuated as best he could. The alarmed but cautious statesmen fled by a ludicrously circuitous route up the river and then southwest, going almost three-fourths around a circle in their maneuvers. Thomas Burke of North Carolina relates that he was awaked by a servant at two A.M. "The movement was not made by vote," he says, "but by universal consent, for each member consulted his own particular safety."<sup>1</sup>

Mr. Laurens acted with more composure.

Your favour of the 28th [he wrote from York], reached me the very morning of the people's flight from Philadelphia—I fled not—having foreseen from amazing remissness where there ought to have been the utmost attention & vigilance I had sent forward my baggage followed it that evening & next morning after many thousands had passed by me I made my breakfast filled my pipe and soberly entered my carriage drove gently on to Bristol took in the wounded Marquis de Lafayette & proceeded to Bethlehem, thence to Reading & Lancaster. Here Congress were soon convened, but hearts were still fluttering in some bosoms and a motion made for adjourning to this town.<sup>2</sup>

It was Saturday the 27th when the first session at Lancaster occurred. The same day Congress decided to put a bold river

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at least three of her representatives to cast her vote. The *Journals*, after the supposed resolution of October 14, 1777, show that very frequently the votes of States were cast by single members, in some instances only one or two States having more than that number present.

<sup>1</sup> *Journals*, viii., 754, and note 2.

<sup>2</sup> Laurens to Gen. Howe, Oct. 20, 1777. Cf. Washington's *Works*, v., 456, on Lafayette.

between themselves and the enemy and adjourned to meet on the 30th at Yorktown across the Susquehanna. This small place was inconvenient for the public business and very uncomfortable for the members, but necessity kept them there until after the British evacuated Philadelphia in the middle of the next year, when they returned to their ancient capital, meeting there July 2, 1778, for the first time in nine and a half months.

The Articles of Confederation were given their final form during the first few weeks at Yorktown. The most important point on which Laurens's position is recorded was the effort made by the nationalists to have representation assigned to the various States in proportion to population, and failing that, according to taxes paid. October 7th, an amendment was offered, there is no doubt by Virginia, to give each State

one vote for every 50,000 white inhabitants, . . . that an equality in this national assembly may be preserved as nearly as possible, and that those who are bound by measures and are to pay taxes demanded by an assembly, the members of which are elected not by all the people, but by those of a particular district, may have the same proportional number of votes as they would have if they were personally present.

A State a "district" containing part of "all the people," who could not be "personally present!" And every State to be penalized in proportion as it had imported a slave population! What progressives those Virginians were! This received the solid vote of Virginia, the one representative from Pennsylvania, and Mr. Penn of North Carolina. The small States opposed any effort to reduce them from a position of equality of power, and South Carolina and Georgia felt any measure to be against justice and their particular interests which put such a discouraging disadvantage upon slavery. There was no misunderstanding; for those phrases, not necessary or customary in legal enactments, were plainly introduced as declaratory of principles for propaganda. The Old Dominion had reached in those days a very high exaltation in which there were few to follow.

Defeated thus on their measure and declaration, the nation-



alists returned to the attack, laying aside their declaration and seeking to conciliate the friends of slavery. This time they briefly proposed to allow each State "one delegate to Congress for every 30,000 of its inhabitants, and in determining questions in Congress each delegate shall have one voice." The one Pennsylvania delegate declined to accept this; the solid vote of Virginia alone was recorded ay, and Mr. Penn of North Carolina again voted for proportional representation, like a true representative of the fine democracy he sprung from; but besides these only John Adams gave a nationalist vote.

The defeated party made one last effort to express the national unity of the country in some sort of plan which would gauge the power of each portion of the inhabitants by its relative importance, and offered that representation should be in proportion to taxes paid for the support of the union. The solid vote of Virginia was supported only by the votes of John Adams and the wealthy, conservative, and elderly Mr. Arthur Middleton of South Carolina. So the original plan of one vote for each State was adopted, with no gentleman in the negative except the four Virginians, Penn, and Middleton.<sup>1</sup>

In this great debate between the nationalists and particularists Laurens stood steadily with the latter, declining to allow the control either to wealth or population. His vote, October 23d, on the treaty-making power, is more in accord with modern ideas, and the fact that he was in the minority only shows that his insight was clearer than that of his fellow-members. An amendment was proposed that Congress should not make any treaty preventing the individual States "from imposing such imposts and duties on foreigners as their own people are subject to." Laurens was the only Southern member to vote against this measure to shackle Congress so seriously in the conduct of foreign relations. Only Rhode Island, New Hampshire, and Connecticut voted against it, and so the restrictive amendment became a part of the Articles.<sup>2</sup> This vote of Laurens's is in harmony with his tendency to magnify the authority and dignity of Congress; but his position on this particular question was probably due more to his

<sup>1</sup> *Journals*, ix., 779-82.

<sup>2</sup> *Journals*, ix., 834-6.

experience as a man of business than to any general theoretical considerations. It indicates, however, his freedom from sectional bias.

Why Laurens and two other Congressmen voted in favor of the simple statement that Congress should have authority to decide disputes between States and against the details for its exercise was doubtless because of objection to the elaborate machinery to be employed.<sup>1</sup>

His last vote recorded on the Articles (October 30th) was against an amendment which proposed that the nine votes necessary to determine matters of importance in Congress must be from States containing a majority of the white population of the Union. This appears to have been the last desperate effort of the Virginians for rule by the popular majority of a consolidated nation, for it was supported by their solid vote, but besides only by Smith of Maryland and Samuel Adams.

Towards the end of October, 1777, Hancock resigned the Presidency, which he had held for two years and five months. A motion of thanks customary on such occasions was offered; but as Hancock had incurred the dislike of most of the New England delegations, an effort was made to deny him this formal compliment by having a motion put that "it is improper to thank any President for the discharge of the duties of that office." New England, except Connecticut, voted solidly in the affirmative, as did three members from other States, among whom was Laurens. The motion failed by a tie. The original motion was then put and Mr. Hancock received his thanks, only Massachusetts, New Hampshire, Rhode Island, and Pennsylvania voting no. Laurens's position, unlike that of the New Englanders, was without personal bias, as is shown by his refusal to humiliate Hancock personally after the general motion against thanks had failed, which can be stated of no other member who voted for the general proposition of no thanks.<sup>2</sup>

<sup>1</sup> *Journals*, ix., 841-3.

<sup>2</sup> *Journals*, ix., 853-4. Fiske's *American Revolution*, ii., 35, is inaccurate in stating that the motion to thank Hancock was defeated. He was

Francis Lightfoot Lee, of the powerful Adams-Lee combination, was prominently spoken of for weeks beforehand as Hancock's successor. On November 1, 1777, however, the position was conferred upon Laurens by a unanimous vote—an honorable tribute to the character he had established by his three months' service.<sup>1</sup> His promotion increased his labors. The correspondence incident to the Presidency was itself a

thanked by a vote of six States to four, which would have been seven to four if Maryland's one delegate present could, under the law of his State governing the powers of her delegates, have cast the vote of his State.

<sup>1</sup> John Harvie to Thos. Jefferson, Oct. 17, 1777, in transcripts in Carnegie Institution for "*Letters from Members of the Continental Congress.*" At a later date there was an understanding that no State should have a second President until each State had held the honor. Whether this idea had taken shape so early as to militate against Lee I cannot say.

The following list of the Presidents of the Continental Congress was compiled from the *Journals*:

Peyton Randolph, of Virginia, September 5, 1774–May 24, 1775.

John Hancock, of Massachusetts, May 24, 1775–October 29, 1777.

Henry Laurens, of South Carolina, November 1, 1777–December 9, 1778.

John Jay, of New York, December 10, 1778–September 28, 1779.

Samuel Huntington, of Connecticut, September 28, 1779–July 6, 1781.

Samuel Johnson was elected July 9, 1781, but declined.

Thomas McKean, of Pennsylvania, July 10, 1781–October 23, 1781.

Resigned on account of duties as judge in Pennsylvania. He is said to have been the only man who was a member of Congress continuously throughout the Revolution from 1774 to 1783.

William Govett, elected October 23, 1781, but never served.

John Hanson, of Maryland, November 5, 1781–November 4, 1782.

Elias Boudinot, of New Jersey, November 4, 1782–November 3, 1783.

Thomas Mifflin, of Pennsylvania, November 3, 1783–November 30, 1784.

This is the first break in the custom which had become established of giving each State the Presidency before bestowing it a second time upon the same State.

R. H. Lee, of Virginia, November 30, 1784–November 23, 1785.

John Hancock, of Massachusetts, November 23, 1785–June 5, 1786.

Resigned on account of illness.

Nathaniel Gorham, of Massachusetts, June 6, 1786–February 2, 1787.

Arthur St. Clair, of Pennsylvania, February 2, 1787–January 22, 1788.

Cyrus Griffin, of Virginia, January 22, 1788, to the end, October 21, 1788, when it is recorded that "two States attended," Massachusetts and South Carolina, and individual delegates from several other States.

heavy burden. He was the channel of communication between Congress and the Commander-in-Chief and conducted much of the diplomatic correspondence. The responsibility of voting for his State was still the same as with a private member; but the chair had no casting vote in ties, and committees were elected by the house. His duties were often unpleasant, necessitating the refusal of favors to men who could see no good reason for being denied. He writes De Kalb, for instance, February 11, 1778, to hint to a young French friend "that hurry and urgency, which may be extremely necessary in a quick march, are exceedingly disgusting to a deliberative body of Representatives, particularly so when the application is for grace and favor." It was during these months that the strong friendship between Laurens and Lafayette developed. He and the young Frenchman arrived in Philadelphia from Charleston near the same time in July, 1777. When Lafayette was wounded in the following September, Laurens took him in his own carriage to the officers' hospital in Bethlehem, a kindness which was afterwards fittingly remembered by the Marchioness in seeking to serve Laurens in the Tower of London. But however pleasant the friendship in other respects, it was instrumental in burdening him with recommendations for the Marquis's fellow-countrymen, and he found it necessary to explain very firmly that justice to American officers made it impossible to grant commissions and promotions to certain French gentlemen.<sup>1</sup>

<sup>1</sup> The following incident connected with Baron Steuben, though occurring after Laurens's resignation of the Presidency, is instructive. It is from Laurens's letter to John Laurens, Philadelphia, April 18, 1779, and is found in the *S. C. Hist. Mag.*, vi., 140-3:

"Our friend Baron Stüben had intimated expectations of pretty large pecuniary compensation for his expenses coming to and in America over and above the pay of Major General, and also for his own expenses and those of Mr. Fleury, Mr. L'enfant and Mr. Duponceau. A report was thereupon introduced from the Board of War. The whole seemed to me to be incongruous with his propositions at his arrival in York Town. I was therefore induced to call for certain documents and papers relative to the subject in order to enlighten such of our members as would otherwise have been ignor-

President Laurens's office and lodging at Yorktown were not near so large, he says, as the hall at his Mt. Tacitus plantation house, and more than once he was compelled to dine on bread

ant, but I made no opposition to the report. Some busy body must have taken an advantage of my conduct and misrepresented me to the Baron, otherwise the following dialogue three days ago when he dined with me could never have happened.

“What is the reason, Mr. Laurens, that Congress will not allow me my expenses? I told them I was not rich and I am sure the committee at York Town promised me.’

“Why, Baron, I cannot answer for the conduct of Congress. For my own part I would recommend to you not to press that subject at the present moment. Every member of Congress is sensible of your merit and deserving. I cannot just now so fully assign reasons, as I may at a future time; but if I were to advise you, you would delay your demands until our affairs shall be a little better arranged.’

“~~His~~ His declarations to me at York Town were that he would expect nothing till the end of the war, his running expenses excepted. Congress gave him two or four horses and a commission of Major General, paid all his expenses at and travelling from Boston, at York Town, &c.

“Well,’ replied the Baron, ‘for myself I will take your advice; I will ask nothing yet; I will go to the army and proceed in my duty; but why will they not do something for Fleury and the other young gentlemen who have assisted me in my work?’

“Congress, Sir, will undoubtedly do everything that is just and reasonable. There's no man who has a greater esteem and affection for Colo. Fleury than I have; but let us consider a little, Baron. Is not Mr. Fleury now within one grade of generalship? How long must he have served in his own country before he would have arrived at this eminence, with large and honorable testimonials in his pocket?’

“But, my dear Mr. Laurens, Mr. President, he cannot live by his appointment, and he must go home if you do not do something for him.’

“You very well know, Baron, the state of our army and the state of our finances. If the case be so, that Colo. Fleury cannot stay with us unless Congress will do something more for him, and that Congress cannot do anything more for him, the consequence will be that he must go home, I shall be very sorry for it.’

“The Baron, in no small shew of choler and rage, although in presence of four or five other guests, answered, ‘Then I shall go home; I will not stay.’

“O Baron, Baron, you had just determined the contrary. Excuse me for saying, this is really taking advantage of my candor. You will make me more cautious hereafter if you persist in these sentiments. What else

and cheese and a glass of grog,<sup>1</sup>—not entirely inappropriate when the soldiers at Valley Forge a few miles away were faring so much worse. In the first part of December he was visited with a severe attack of gout—the first in several years—which confined him to his room for a month and left him lame for nearly three months more. At the crisis of the Saratoga convention affair he was carried bodily into Congress. Nevertheless his labors continued incessant. He writes, January 26, 1778, that he is in Congress or at his writing table “sitting eighteen or nineteen, sometimes twenty hours in twenty-four. This encourages horrible swellings which are not quite dispersed with the short respite in bed.” He took cold water treatment and got some benefit.

I am now sitting [he wrote, December 30, 1777], both feet and legs bound

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could I have said, speaking as an honest man, if Colo. Fleury cannot continue with us upon his present appointments and Congress will not, because they cannot with propriety, enlarge them, and he himself points out the alternative—what else could I have said? But I hope, Baron, you will not make me answerable for all the determinations of Congress. When I am there I am an individual and speak my sentiments or give my voice without fear, prejudice or partiality. I pray you, Baron, think better of this matter.’

“We went to dinner; the Baron looked grave; I made attempts to raise him; he retired earlier than usual, and, if I do not mistake, with a consciousness of a little transgression.”

Laurens goes on to relate that when Steuben arrived in America he brought Deane's introduction as Lieutenant General in the Prussian army, and that, though he did not himself say he possessed this title, he did not disclaim it. “Sometime after he went to camp at Valley Forge I was well informed that he had never advanced near the rank of Lieutenant General,” says Laurens, “. . . and this moment it strikes me that the Baron might have misconstrued and misapplied my question, ‘How long must Colo. Fleury have served? &c;’ but upon my honor, I had no design to touch him nor, as I have said above, did I ever think of the subject in this light until the present instant. However, if he has committed himself it is not my fault. If he felt anything like an attack, it was from within his own breast. Neither duty nor inclination could possibly have misled me to upbraid a man with whom I wished to have continued in friendship. But the times are distempered and the Devils of avarice and ambition are indefatigably improving them to their own advantage.”

<sup>1</sup> Laurens to John Burnett, July 24, 1778.

up in a blanket, in the room where Congress meets. . . . Perhaps two, it may be three hours, after dark I may be permitted to hobble on my crutches over ice and frozen snow or to be carried to such a homely home as I have, where I must sit in bed one or two or three hours longer at the writing table, pass the remainder of a tedious night in pain and some anxiety. I hear you reply, "Why fait(h)! if I was you I would resign the Presidency." Believe me, my dear sir, that was my solid determination on the second or third day after my present troublesome companion had taken possession of me; but Congress would not allow it.

He adds humorously that he had as well be President as anyone else, since a good seat near a warm fire is some compensation for extra labor.

Laurens did indeed write Congress on the 12th of December, 1777, praying them to elect his successor, as the business of the office was likely to fall into confusion in his inability to give it proper attention. The matter was postponed, and, in Laurens's words, they declined in very complimentary style to entertain the resignation.<sup>1</sup>

November 28, 1777, Laurens declined to vote on the resolution, which, however, was adopted, for the Committee of Commerce to turn over \$250,000 a year for three years to Alexander Gillon, of South Carolina, to buy goods in the United States for shipment to Europe for purchasing arms, clothes, etc., for Congress. Laurens doubted Gillon's wisdom and stability and in writing to Adams, October 4, 1779, sneered at "his fervor for accomplishing everything by the force of his own powers." He criticized him for sending a substitute to Europe on a former occasion. Gillon replied that this had been on account of his illness. The arrangement was soon rescinded by Congress, as Gillon entered instead upon his ill-fated naval enterprise on behalf of the State of South Carolina.<sup>2</sup>

<sup>1</sup> Laurens to Gervais, Dec. 30, 1777; *Jours. Cong.*, ix., 1022. Wharton in his edition of the *Diplomatic Correspondence of the Revolution*, i., 581, note, seems to confuse this with Laurens's resignation a year later, which was accepted, and which had no connection with ill health. Indeed Laurens offered his resignation on three separate occasions, and in both instances in which the circumstances permitted, Congress refused to accept it. See below, p. 302.

<sup>2</sup> Laurens to Adams, Oct. 4, 1779, and *S. C. Hist. Mag.*, x., 6-7. A clear

The loose spontaneous union which had sprung into existence in 1774 for purposes presumed to be contemporary was little suited to conserve the energy and enthusiasm which marked the first months of the Revolution. It supplied no great executive positions to invite ability and ambition to a national career, and the secrecy of the debates in Congress left membership in that body all the drudgery without any of the glamour of a legislative assembly. Moreover an immense amount of constructive work in constitutional law and imperative tasks of administration and war drew many of the ablest men during 1776 into the service of their individual States. South Carolina's large and very able delegation of that year, *e.g.*, had sunk since the early days of November, 1777, to one member, Mr. Laurens, in actual attendance, who alone for five months represented the State.<sup>1</sup> The low ebb to which representation sank is illustrated by the fact that on December 8, 1777, *e. g.*, eight States were represented by one delegate each, three by two each, and two not at all, among them all not more than three or four men of any distinction then or later. Not only did the demand for able men in the service of the States drain Congress, but it is undeniable that the early enthusiasm in the cause was languishing. An apathy hard for us to understand in our day of ardent national patriotism had settled upon the people, about half of whom, we must always remember, had from the first been either hostile or indifferent towards independence. These burning words of protest are representative of Laurens's exclamations of indignation throughout his membership:

O Carolina! O my country! shame to you that in this great, this momentous cause so few among your many worthy sons are found zealous

account of the neglected incident last mentioned is given by Mr. D. F. Huger Smith in the *S. C. Hist. and Genealogical Mag.*, ix., 188-219. Vol. x., Nos. 1 and 2, contains an article by Mr. Smith on the Luxemburg claims growing out of Gillon's enterprise, and letters from Gillon.

<sup>1</sup> Oct. 20, 1777, Thomas Heyward obtained leave to convey his family to South Carolina. His last vote is recorded Oct. 31, 1777. Resuming his seat June 6, 1778, he remained until the last part of August. William Henry Drayton entered Congress March 30, 1778.—*Journals*, ix., 824, 854, and x., 294.



advocates—so few of them will leave their yokes of oxen—their pleasures—their emoluments and apply their talents, their whole abilities, to the one thing needful. You know I have always run the line of true Liberty parallel to that of the Kingdom of Heaven. Lukewarm, half way votaries are as unfit in these times to enjoy that as such characters were declared by the mouth of wisdom to be for entering into this. . . . Where are the effects of our loud pretensions to patriotism which were heard three years ago? Do these good people who are now eating and drinking and accumulating pelf by every possible means vainly think that with the 28th of June, 1776,<sup>1</sup> all danger passed away? . . . Alas! these are indeed vain thoughts. Gracious God, interpose on our behalf and raise my countrymen out of their lethargy—the most fatal error they could fall into—that of attending every man to his private interest. This evil seems to pervade all classes in South Carolina; we are lulled by a transient success into a sleep of security which will produce our ruin.<sup>2</sup>

He goes on to say that unless South Carolina keeps up her fortifications and regiments, the British will select her as an easy conquest. He gave this same advice officially in his correspondence with the State's Chief Executive, Rawlins Lowndes. He continues:

Fill your delegacy in Congress with able men, I say—no frolickers, no jolly fellows, or you will be despised and you will have cause to rue your neglect. . . . Go on and slumber in golden dreams till calamity shall overwhelm you, and till your faces shall be covered with shame and disgrace.

He laments that the incapacity of Congress has lost "the opportunity of driving the British out of Philadelphia this winter"; but note that he does not denounce Washington, like certain other eminent statesmen, for not doing the impossible and driving them out without supplies and an army.

Laurens's plea for the preparation of the Southern States for attack was justified by the results when the time of trial came eighteen months later. He realized the peril of leaving an opening at one end of the confederacy and did not cease to seek to have it remedied. He early saw and sought to guard against the danger of England's seeking to cut off Georgia and South Carolina. For five months, he wrote in January, 1779,

<sup>1</sup> The date of the victory over the British fleet at Ft. Moultrie.

<sup>2</sup> Laurens to Gervais, Dec. 30, 1777.

my efforts "have been incessant for fixing the attention of the higher powers to the safety of the Southern States." His anxiety for this did not indicate sectional feeling. We shall find him on the contrary incurring the indignation of his colleague and the entire North Carolina delegation because of the sacrifices which he was willing to make at the expense of these States in order to obtain certain benefits in other regions which he deemed of indispensable advantage to the Union. Probably no member of Congress habitually acted upon views more free from sectional bias.<sup>1</sup>

<sup>1</sup> See especially Laurens to Washington, Oct. 10, 1778, in MS. Letters to Washington in Library of Congress. Laurens to President Rawlins Lowndes, Jan. 29, 1779.

One of Laurens's first acts touching military affairs after his entering Congress was to puncture a wild scheme for sending 1000 or 1200 men down the river from Pittsburg to the mouth of the Mississippi between the middle of October and Christmas, relying on the friendly assurances of the Spanish at New Orleans, with the cooperation of several frigates from them, to take Pensacola with its vast stores and the province of West Florida.—Laurens to McIntosh, Aug. 11, 1777, and to Rutledge, Aug. 12, 1777, in MSS. in Carnegie Institution for "*Letters from Members of the Continental Congress.*"

## CHAPTER XVIII

### THE SARATOGA CONVENTION, 1777-78

**I**T was during the early months of Laurens's Presidency that Congress received the news of Burgoyne's surrender, news which was blighted somewhat by the unduly favorable terms under which the weakness of Gates had permitted the defeated invader to retrieve a great part of his disaster and deprive the Americans of some of the best fruits of victory. Marching from Canada with a splendid army of about eight thousand men, Burgoyne at first swept the ill-disciplined Americans before him in a series of triumphs which was not arrested until the loss of a thousand of his troops at Bennington, Vermont, on the 16th of August. As he passed further south along the confines of New England, the militia and unorganized farmers swarmed out until he was overwhelmingly outnumbered. Disappointed of the expected coöperation from the south and west, and seeing that further resistance meant destruction, the British commander was obliged to lay down his arms.

General Gates, who had been upon none of the fields where the valor and skill of others had brought his enemy into his power, now for the first time came to the front. Burgoyne proposed his terms and Gates accepted them. By the "Convention" signed October 16th the defeated army were to surrender their arms, the officers were to retain their baggage, which was not to be searched under the pledge of General Burgoyne's honor that it should contain no public property, and the troops were to be marched to Boston, whence British vessels should transport them to England, on condition that

they should not again serve in North America during the war.<sup>1</sup> "It seems almost incredible," says General Cullum, "that even Gates could have been guilty of such fatuity in sacrificing by this article all the fruits of the past campaign, and jeopardizing American independence."<sup>2</sup>

Such were the very courteous terms upon which Burgoyne secured the liberation of his army. But on hearing of Clinton's approach from below before the formalities were complete, he proposed to his officers to repudiate the preliminary articles of capitulation to which he had agreed on the 14th.<sup>3</sup> The large majority declared that this would be inconsistent with the public honor, and Burgoyne, though unchanged in his opinion, refrained from the contemplated action. The fact that he had thus been ready to repudiate the Convention by which his army had escaped destruction as soon as he found it to his interest, upon the strict legal ground that though it had been agreed to, it had not been signed, was not known to the Americans; but it is a fact which should not be forgotten in judging the later conduct of both parties.

The surrender, preceded by the planning of treachery by Burgoyne, was accompanied by its actual commission. The German colors were torn from their staffs, the latter burned and the former carried home in concealment. The Americans were told that the flags had been burned, says Madame Riedesel, wife of the German General, in her memoirs.<sup>4</sup> At her husband's request, she sewed the flags into a mattress, which was protected by the terms of the Convention under Burgoyne's pledge of honor that no public property should be concealed in any officer's baggage. And on these flags the lady slept on her return across the Atlantic. At least one English Lieutenant Colonel concealed the colors of his regiment in his baggage and later presented them to George III. in person, who rewarded this act of perfidy with promotion.

<sup>1</sup> The Convention is given in full in Winsor's *Narrative of Critical History*, vi., 317.

<sup>2</sup> *Ib.*, 319.

<sup>3</sup> *Journals*, x., 32; Winsor, vi., 321; *Journals*, ix., 825, says he had signed the preliminaries; the other citations here given say he had agreed to them.

<sup>4</sup> Quoted in Winsor, vi., 319.

Other flags were either destroyed—likewise a violation of the treaty—or concealed. The military chest was withheld; many cartouche boxes and bayonets were not surrendered,<sup>1</sup> and all the muskets were rendered unserviceable. These willful and numerous violations of the terms of the Convention forfeited for the guilty party, by the principles of international law, all the benefits of the compact; but if nothing further had occurred these would probably have been overlooked, though the circumstances which were known at the time caused much dissatisfaction. General Howe soon fanned this into higher alarm by proposing with some persistence to change the place of embarkation from Boston to Newport or some other point on the sound under British control. Washington at once uttered his warning against any such concession, and on December 1, 1777, Congress "utterly rejected" the proposal.

November 8, 1777, Congress resolved that Burgoyne must give "the name and rank of every commissioned officer, and the name, former place of abode, occupation, size, age, and description of every non-commissioned officer and private soldier," in order to guard against their again being employed in America, a precaution on the necessity of which Washington was very positive and which had ample precedent in the conduct of Sir Guy Carleton and Burgoyne in paroling their American prisoners in 1776. Burgoyne refused to comply with this demand, but later submitted.<sup>2</sup>

Congress had been informed that the vessels which Howe had provided for the troops were equipped for only a short voyage and not for one across the ocean—a report perhaps arising from ignorance and misunderstanding. To all this Burgoyne added an act of imprudence calculated to stiffen into conviction the honest fears of Congress or to supply them with a desired pretext, as the case might be. In a letter to General Gates of November 14th he complained that

<sup>1</sup> It is stated in the *Proceedings of the American Antiquarian Society* for October, 1877, p. 46, that Gates granted permission for Burgoyne's soldiers to retain their cartouche boxes.

<sup>2</sup> Congress received the list December 18, with General Burgoyne's letter of Nov. 14 to Gen. Gates.—*Journals*, ix., 1034.

quarters had not been furnished for his officers "according to rank," as guaranteed by the Convention. Six or seven officers were crowded into a room about ten feet square; he himself was compelled to pay £150 sterling for a furnished house till April 1, even though he should embark in ten days. He continues:

While the supreme powers of the State are unable or unwilling to enforce their authority, and the inhabitants want the hospitality, or indeed the common civilization to assist us without it,<sup>1</sup> the public faith is broke and we are the immediate sufferers.<sup>2</sup>

Complimentary passages to Gates follow. This letter Gates transmitted to Congress, December 3rd.

General Heath, in command at Boston, had exerted every effort for the accommodation of his prisoners, but it proved a difficult matter in a small city much frequented by outsiders in need of quarters. At worst the prisoners were much better circumstanced than Washington's army, which was just about to enter upon the sufferings of Valley Forge.

We may believe that Burgoyne's words were meant only as a protest and reproach, but Congress, with all that had gone before and in the heat and passion of war, gave them their literal construction, a rule upon which Burgoyne had insisted on various occasions in interpreting the treaty itself. Howe's proposals, the information that his provisions were not being made for a trans-Atlantic voyage, and Burgoyne's refusal to furnish descriptions of his soldiers had already roused their suspicions. This certainly is true; it may also be true that they had determined from the first to repudiate the Convention on one pretext or another.

<sup>1</sup> Fine words for the man who a few months before at the head of his supposedly invincible army composed largely of hired mercenaries and savage Indians had threatened these same people "to give stretch to the Indian forces under my direction (and they amount to thousands) . . . in denouncing and executing the vengeance of the State against the willful outcasts. The messengers of justice and wrath await them in the field; and devastation, famine and every concomitant horror that a reluctant but indispensable prosecution of military duty must occasion, will bar the way to their return."

<sup>2</sup> *Journals*, ix., 1034.

We find Laurens in August making an exhaustive inquiry into the loss of Ticonderoga and Fort Independence and the state of the army in the Northern department and displaying a strict, not to say unfriendly, spirit towards General Schuyler.<sup>1</sup> The fact that he had served on important committees on the northern campaign and had exerted himself to strengthen the forces against Burgoyne added to his resentment at the fruits of victory having been lost by Gates's mismanagement.<sup>2</sup> On reading Burgoyne's communication to Gates he expressed his indignation that Gates should have transmitted the letter without any comment on the phrase, "the public faith is broke." Gates, he says, "is perhaps a little captivated by the flattery of a British Lieutenant General.—It is certain he was too polite to make the Lt. Gen. and his troops prisoners at discretion, which might as easily have been effected as making a Convention." The British commanders, he continues, have frequently said "there is no faith to be kept with rebels" and acted often in conformity with their words. Clinton and Howe have directed Burgoyne to take his troops to New York or the Delaware, and he is "a little staggered" by this order to break faith and now finds it necessary to lay foundations for so doing. The intention is clear from the small tonnage and provisioning of the ships sent for the troops and by the refusal to give descriptions of the captured officers. He dwells also on Burgoyne's failure to surrender the cartouche boxes and the mutilation of the muskets as violations of the Convention. He represents Burgoyne as surmising: General Gates may overlook my hint of being released from the Convention by Congress's having first broken faith, and in any event, I shall be safely at sea before they can see my letter and arrest my movements, and if after carrying my troops into

<sup>1</sup> MSS. of Aug. 27, 1777, in Carnegie Institution for "*Letters from Members of the Continental Congress*," copied from Lee MSS. in Univ. of Va. Library.

<sup>2</sup> Cf. in this connection the following from a letter of Laurens to Lafayette, Jan. 12, 1778: "You would smile, sir, to hear me say that America is a little indebted to me for her successes against the threatening flood of the invincible Burgoyne"; but he does not go into detail.

an American port I am charged with breach of faith, I can point to my letter to the very General to whom I surrendered as exculpating me by reason of its notice that America had released me from obligation by first breaking faith.<sup>1</sup>

Laurens was, we may believe, sincerely convinced that the troops were to be taken treacherously to some American port in British possession. Lafayette held the same opinion "upon the strongest circumstantial evidence." Washington was convinced, even before any suspicious circumstances came to his knowledge, that Burgoyne's entire army would be sent back into the country in absolute disregard of the Convention. He wrote:

I am nevertheless convinced, that this event [the surrender of Burgoyne] will not equal our expectations; and that, without great precaution, & very delicate management, we shall have all these men—if not the officers—opposed to us in the spring.—Without the necessary precautions (as I have just observed) I think this will happen; and unless great delicacy is used in the precautions, a plea will be given them, and they will justify, a breach of the Covenant on their part—do they not declare (many of them) that no faith is to be held with Rebels?—did not the English do the very thing I am now suspecting them of, after the Convention of Kloster Seven, upon changing their commander?—will they hold better faith with us than they did with the French?—I am persuaded, myself, that they will not—and yet, I do not see how it is to be prevented, without a direct violation of the articles ourselves, or, by attempting to guard against the evil, give them a plea of justification on theirs.<sup>2</sup>

Burgoyne's charge, "the public faith is broke," coming as it did after a long series of suspicious circumstances and minor violations of the letter of the Convention by the British, must

<sup>1</sup> These comments are in Laurens's letter books in the S. C. Hist. Soc. and also in the Laurens MSS. in the L. I. Hist. Soc.

<sup>2</sup> Washington to Richard Henry Lee, Oct. 28, 1777, in the *Century Magazine*, lxxxi, 663; March, 1911. A Washington letter then published for the first time. Richard Henry Lee says (*Letters to Washington*, ii., 45-6) that the British were not guilty of breaking faith in disregarding the Convention of Kloster-Seven, as it "stipulated particularly that the Court of Versailles must ratify, and that within a certain time, which was not done until long after the time was elapsed, and before which ratification the troops of Hanover had returned to arms."



be admitted to have furnished ground for the gravest doubts and so to have imposed upon Congress the duty of guarding the country from the calamitous train of circumstances which seemed to threaten. The state of mind of the best and most scrupulous patriots is doubtless revealed in the above letter of Washington and Richard Henry Lee's reply:

It is unfortunately too true that our enemies pay little regard to good faith, or any obligation of justice and humanity which render the Convention of Saratoga a matter of great moment; and it is also, as you justly observe, an affair of infinite delicacy. The undoubted advantage they will take even of the appearance of infraction on our part, and the American character, which is concerned in preserving its faith inviolate, cover this affair with difficulties, and prove the disadvantage we are under in conducting war against an old, corrupt, and powerful people, who, having much credit and influence in the world, will venture upon things that would totally ruin the reputation of young and rising communities like ours.<sup>1</sup>

There was every reason to fear that Great Britain might push the breach of faith charged by Burgoyne to the fullest logical conclusion, and certainly breaches of faith on her part in the war would have been allowed to pass, as Lee expresses it, on account of her "having much credit and influence in the world."

The matter was the subject of protracted debate in Congress, and on January 8, 1778, that body accepted the report of their committee to the effect that Burgoyne and Carleton themselves in 1776 had required lists and descriptions of captured American prisoners, which, as an additional precaution, were even made out in the handwriting of the prisoners themselves, and that Burgoyne's refusal of such lists now, especially coming just nine days after his charge that "the public faith is broke," must be considered "in an alarming point of view"; further, that "This charge of a breach of the public faith is of a most serious nature, pregnant with alarming consequences, and deserves greater attention, as it is not dropped in a hasty expression, dictated by sudden passion, but is delivered as a deliberate act of judgment, committed to writing, and sent to the general with whom he made the convention." Congress

<sup>1</sup> Quoted in Winsor, vi., 321.

*Resolved*, therefore, That the embarkation of Lieutenant-General Burgoyne, and the troops under his command, be suspended until a distinct and explicit ratification of the convention of Saratoga shall be properly notified by the court of Great Britain to Congress.<sup>1</sup>

Up to this point the action of Congress appears to me to be beyond criticism, save as to the character of the ratification demanded of Great Britain. To have allowed the troops to pass beyond their control after the circumstances which had occurred without some assurance that America was not to be made the laughing stock of the world and the existence of the republic jeopardized would have been dereliction of duty.

Burgoyne was crushed by the result of his petulant language and hastened to explain that the conclusions drawn by Congress were not justified by any intention he had entertained. But it had by this time become known from a published extract of his own diary that his statement that his standards had been left in Canada was a falsehood, not to speak of other unqualified and known breaches of faith on his part; and Congress very justly replied "that the security which these States have *hitherto* had in his personal honor is hereby destroyed."<sup>2</sup> The fear that a man who had specifically lied about standards and had broken faith in surrendering his arms when put with unreserving magnanimity upon his honor would lie to accomplish a much more desired object was, to say the least, only the common precaution of mankind in such circumstances—a precaution the departure from which almost invariably has to be regretted by the unhappy party who allows his charity to overweigh his judgment into making an exception.

However suspicious the circumstances might be of England's intention honorably to execute the Convention, it must be allowed that there was really very little reason why she should wish to evade her obligations; for surely the terms were sufficiently favorable as they stood. The only material alteration she could have asked would have been to retain the arms and have the troops transported to any American port she might choose. She might have carried them from Boston to Charleston or New York and by refraining from landing them sooner

<sup>1</sup> *Journals*, x., 29-35.

<sup>2</sup> *Journals*, ix., 1059-64.

than a double trip across the Atlantic would have required, have maintained with a straight face that she had not violated the spirit of the Convention in any essential particular; for the dullest understanding recognized that if they ever reached England they would immediately release an equal number of troops on duty in European quarters who would be promptly shipped off to America.

The resolution of January 8th was worded with malicious care. Laurens exulted in the dilemma in which England was placed. If the court gives the required ratification, he says, it "will amount to an acknowledgement of our capacity to treat as a nation; anything below this will be to retain her claim upon us as subjects in rebellion with whom faith is not to be held but for the benefit of the sovereign."<sup>1</sup>

In demanding a ratification, as was not only properly but imperatively its duty, Congress deliberately worded its demand in terms to which England could not accede. This went beyond an attempt to secure a guarantee against fraud and amounted to annexing an additional condition, saying in effect, We will not carry out the original agreement of our authorized agent unless you meet the new demand of acknowledging that we are an established government among the nations of the earth which you are attempting by conquest to subdue. To this ground once chosen Congress tenaciously adhered. The British commissioners sent in 1778 to secure the return of the colonies to their allegiance offered to renew the Convention<sup>2</sup>; but as they had not been appointed for that purpose, Congress very justly, September 4, 1778:

*Resolved*, That no ratification of the Saratoga Convention, which may be tendered in consequence of powers, which only reach that case by construction and implication, or which may subject whatever is transacted relative to it to the future approbation or disapprobation of the Parliament of Great Britain, can be accepted by Congress.

Says Lecky:

Sir Henry Clinton subsequently sent to the Congress instructions from the English Secretary of State authorizing him expressly to demand a ful-

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<sup>1</sup> Laurens to President Lowndes of South Carolina, Aug. 11, 1778

<sup>2</sup> Lecky, iv., 475.

fillment of its terms, and, if required, to ratify in the King's name all the conditions contained in it; but the Congress still refused to release the prisoners who were thus by an act of barefaced treachery detained in America for several years.

Laurens was one of the principal movers for suspending the Convention. At the critical time in December he was painfully ill with the gout.

Late that evening [he says] and again very early next morning I received visits from a zealous member of Congress pressing me if possible by any means to attend the House the 26th, adding, the request was made by the desire of many members not so immediately to the President as to a member who solely represented a State, intimating that the business which I had set or encouraged to be set in motion of the highest importance was to be agitated.

He was accordingly "*carried*" two days into the house. He continues:

I have labored hard, very hard, to advance it to its present state, conscious that I am doing eminent service to my country. . . . The act is great and great good or evil will follow as its consequences.<sup>1</sup>

The account to his dearest confidant, his son John, is to the same effect.

Tell me your thoughts on our determination to suspend the embarkation of Mr. Burgoyne. I am not answerable for, nor do I claim the merit of, the manner in which the thing is ushered into the world. 'Tis plain and simple; not free from exceptions, I know. All *that* was done while I sat in the chair and is mere fringe and law from an infant manufactory; but for the thing itself, the propriety, the justice and the sound policy, I contended in the Commee (*sic*) of the whole. So well was I persuaded of the rectitude of the act, I declared I would rather lose my whole estate than hear a majority of dissenting voices. The grand resolve passed *nem. con.*<sup>2</sup>

This great determination will have its effect in Europe, in England more especially, whether good or evil time will inform us. I feel strongly con-

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<sup>1</sup> Laurens to Gervais, Dec. 30, 1777. He did not dispatch this letter at once. Exactly a month later he adds, "I have just passed my eye over them (the thoughts expressed in the letter) & determined, imperfect as they are, to submit them to your candor."

<sup>2</sup> *Nemine contradicente*, i. e. no one voting to the contrary—a very common expression in the old days, and really more accurate than our "unanimously."

firmed that the act is good and therefore entertain no alarming apprehensions.<sup>1</sup>

Whether the statement is true that he was "the influencing person that caused the abrogation of the Saratoga Convention," he was certainly a prominent moving spirit. He wrote Lafayette, January 12, that he has been "a strenuous advocate in favor of it," and to another friend he described the few who held back as "timorous dunces." Against these frank and unstudied declarations concerning "the business which I had set or encouraged to be set in motion," is to be placed Laurens's answer to a friend who informed him while a prisoner in the Tower of London that he was criticized as being "the influencing person that caused the abrogation of the Saratoga Convention." His situation was then such that he would naturally desire to minimize his part as much as possible, and his answer recalls his shrinking in 1769 from the condemnation which he felt would be his if he publicly acknowledged his disapproval of the slave trade. He was ill in bed, he replied, for the nearly three weeks during which the committee were considering the matter, and were he to claim "such *merit*" as is attributed to him, they would treat him with contempt and indignation. It is true that he, being the only member from South Carolina, was carried in a chair into Congress, where he heard the committee's report and voted in its favor; but he disclaimed further responsibility than for his simple vote. As in 1769, the test was severe, and as then, his honest-dishonest answer illustrated how grave is the danger that even one who prides himself on his "candor" may at times fail to live up to its perfect practice.

Such is the history of the suspension of the Convention, for which the old Congress has generally received unsparing criticism. In refusing to accept any ratification on the part of Great Britain except one in the nature of a communication of one sovereign with another, Congress introduced a new condition and placed itself in a position wrong in itself which could be defended only upon grounds of formality. They were

<sup>1</sup> Laurens to John Laurens, Jan. 14, 1778, in *S. C. Hist. Mag.*, vi., 11-12.

determined not to risk the life of the republic by allowing Burgoyne's army to get back to Europe and an equal number of free troops to be sent to America in their place; but none would have dared to affront Gates in the flush of his success and popularity by an open repudiation of the disastrous act he had committed. Yet, after all has been admitted, it appears to me that Congress has been unfairly dealt with. Their conduct should be judged by the customs of the age and the peculiar circumstances and conduct of the two parties concerned. England herself had only twenty years before shamelessly repudiated the Convention of Kloster Seven through which the King's son, the Duke of Cumberland, had saved Hanover from devastation and his army from destruction by the French by engaging the neutrality of the Hanoverians. So enraged was George II. that he proposed an immediate repudiation on the ground that his son had been given no order for such a treaty. "But very full powers, sir; very full powers," replied Pitt. Yet very shortly, without any ground except technicality to stand upon, on the advice of this same Pitt, England repudiated this Convention of which she had been the beneficiary and rearmed the Hanoverian troops. Well might Congress fear that the action of George II. under the great Pitt would prove none too hard for George III. in alliance with the corrupt party that then held power. Lecky, who so roundly denounces Congress's "barefaced treachery," is satisfied to remark that

The Convention of Closter-Seven had been ratified on neither side. It had not been rigidly observed by the French, there were no stipulations for the duration of the neutrality of the Hanoverians, and it might on the whole be reasonably regarded as a mere temporary armistice. Pitt recommended to repudiate it. The Hanoverian army was armed anew.<sup>1</sup>

Not only twenty years before Saratoga, but less than three years after, was England ready when it served her interests to repudiate her obligations. Sir Henry Clinton, after the surrender of Charleston in May, 1780, placed the inhabitants upon their paroles with the pledge to respect their persons and

<sup>1</sup> Lecky, ii., 412.

property so long as they remained neutral.<sup>1</sup> And yet in only a few weeks he broke this faith and called upon those to whom it was plighted to take up arms for the King or be treated as guilty of treason—threats which he followed up with great barbarity. It is unnecessary to remark upon the slurring of this by the British writers of the partisan sort; but even so philosophical an historian as Lecky can bring himself to no severer condemnation of this act of perfidy, by which the population of an entire State were plunged into the most horrible phase of the war that characterized the entire Revolution, than to call it "a very injudicious proclamation" which "evoked a great and reasonable discontent."<sup>2</sup>

Great Britain's treatment of prisoners amounted to a breach of military honor. They have exercised "every species of cruelty," Laurens wrote to President Lowndes, August 20, 1778, to force American captives to enlist in the British navy, and failing, have exchanged the weak, half-starved, sickly survivors for stout, well-fed British captives. So fraudulent was the attempt that Washington refused to receive them in exchange for an equal number.

Let us in judging Congress remember the conduct of the English. And by all means let us avoid representing as an injured innocent, General Burgoyne, who "spent half his nights in singing and drinking and amusing himself with the wife of a commissary, who was his mistress,"<sup>3</sup> and his days in mustering his savage Indians and thundering threats of their massacres and the tortures of famine against the women and children of the well-ordered villages and farms of New England, and who checkered his conduct under the treaty with both plotted and executed fraud and falsehood.

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Note on the after history of Burgoyne' army.—After about a year in Boston, Burgoyne's army was moved to Charlottes-

<sup>1</sup> McCrady, iii., 498, 553; Windsor, vi., 322.

<sup>2</sup> V., 21.

<sup>3</sup> Madame Riedesel's *Memoirs*, quoted in Wharton, i., 309, n.

ville, Va., to render its subsistence easier. Gardens were laid out and tended by the soldiers. Those with trades were allowed to go about plying them. Not only was every facility allowed to escape, but Congress on April 29, 1778, offered liberal rewards in land and stock to any who would settle in America. Laurens voted against this.<sup>1</sup> Some of the soldiers are said to have been employed in the army as substitutes by unwilling Americans; but they frequently deserted to their original allegiance. Escapes and desertions so reduced their numbers that at the conclusion of the war only a fraction of them remained in captivity.<sup>2</sup>

<sup>1</sup> *Journals*, x., 405-10.

<sup>2</sup> Trevelyan, quoting Lowell's *Hessians*, says that in 1780, 1500 of them were still in detention in Virginia. Of the total number of 29,875 German mercenaries sent by Great Britain to America, only 17,313 returned to Germany in 1783. Lowell's *Hessians*, 20-21.



## CHAPTER XIX

### THE CONWAY CABAL, 1777-78

THE conspiracy for the displacement of Washington and distribution of honors and emoluments to Gates and his associates known as the Conway Cabal ran its course through Congress during the same months of 1777-8 which were occupied with the Saratoga Convention. A review of the factions which existed in Congress will help us to understand this as well as other political tangles through which we must pass.<sup>1</sup> There early appeared in Congress two roughly defined party groups. One, on account of its passionate attachment to a pronounced form of republicanism, scented danger from military power and executive domination, and in their dread of these sought to keep all executive business in the hands of Congress through committees and boards and strove for a strict system of control over the Commander-in-Chief. The policy of these, for the most part disinterested but often impractical patriots, must be ranked high among the causes which imperilled the success of the Revolution. At its core was the "family compact" of the Lees and Adamses. They constituted what Wharton aptly calls the "expulsive," or "liberative," party, from their zeal being so absorbed with this end as to blind them to the necessity of efficient administrative and military machinery.

Prominent among the leaders of the other, called by Wharton the "constructive" party, were Washington, Franklin, Jay, Robert R. Livingston, and Robert Morris, men who had

<sup>1</sup> Wharton in his *Diplomatic Correspondence of the American Revolution*, i., 252 *et passim*, gives an excellent account of the factional lines and contests in Congress, which is here followed.

not been so active as the others in bringing on the trouble with the mother country, but who showed themselves far better qualified for conducting it from a spasmodic rebellion into a successful revolution. These were naturally men of wealth, conservatism or administrative experience. They recognized the necessity of executive independence and a large degree of freedom and authority in a single man in the tasks of diplomacy and war. Criss-crossing these divisions on principle and throwing issues into confusion were divergent sectional interests and innumerable petty personal spite and jealousies, and at times darker schemes of fraud and personal ambition.<sup>1</sup> It was this unwholesome political situation which made it possible for the plotters of the Conway cabal to come so perilously near success.

Laurens always denounced the spirit of party and emphatically denied that he belonged to any faction; and from all that I can gather, he could say this with as much truth as any man in Congress. Certainly it was impossible, as we shall see, to control his vote or curb his freedom of action for even the dearest factional objects.<sup>2</sup> He felt warm friendship for members of both the groups outlined above and is found at times coöperating with one and at times with the other, but generally in ways not indicative of factional allegiance. His character and antecedents would all draw him to the "constructive" party of Washington and Franklin, and so far as I have been able to discover regarding questions which concerned the essential line of cleavage between them and the "expulsives," his ideas and aims would group him with the former. It is true that he often coöperated with the leaders of the "expul-

<sup>1</sup> Wharton points out that the New England members long cherished resentment against Washington for his severe strictures upon the New England officers and troops in a letter of Aug. 26, 1775, to R. H. Lee.

<sup>2</sup> Laurens to Gervais, Sept. 5, 1777, says: "Congress is not the respectable body which I expected to have found." "When I first arrived here I was told by way of caution that in Congress there were parties." I found "parties within parties, divisions and subdivisions to as great a possible extent as the number thirty-five (for we never have more together) will admit of. As it is wholly contrary to my genius and practice to hold with any of them as party, so I incur the censure of not being long with any."

sives"; but this was on questions not relating to the principle under discussion and is evidently explicable on the merits of the individual matters in such cases. It is also true that many, perhaps most, of his intimate friends were among the "expulsives"—a fact which might easily mislead us into jumping to an unwarranted conclusion regarding his political principles. Personally he was much drawn to the Adamses and Lees, because of the purity of their republicanism and the integrity of their characters; but not only was he free from their jealousy of Washington, but he resisted all attempts to embarrass the General's authority and went so far as to desire a complete revision of the constitution by a convention acting independently of Congress and in consultation with the Commander-in-Chief, and urged sending the French treaties to Washington, even the secret articles, and denounced the party spirit which opposed.<sup>1</sup>

Nothing at any time interfered with the warm and mutual attachment between Laurens and Washington. As the British were pressing on Philadelphia in September, 1777, he wrote:

God grant Mr. Washington, that brave and virtuous, that disinterested Patriot-Hero, success—in a conflict which is now probably in agitation and we shall have further time to retrospect our proceedings and to mend what shall appear to have been amiss—if he fails—a new scene will open—nothing but virtue then can save us—we never shall call in her aid until we feel severe distress.<sup>2</sup>

The multiplication of quotations is useless. We shall have ample evidence as we proceed of his uninterrupted devotion to the Commander-in-Chief.

For Franklin he entertained the highest esteem from a period antedating the Revolution to the end of his life, as he manifested by voting against his recall when his Adams-Lee enemies were seeking to displace him in 1779.<sup>3</sup> While his

<sup>1</sup> Laurens to John Laurens, May 11, 1778, in Carnegie Inst. as below.

<sup>2</sup> Laurens to Gervais, Sept. 5-9, 1777, in transcripts for *Letters from Members of the Continental Congress* in Carnegie Institution. He says that Mr. Middleton exactly coincides with his sentiments; Mr. H. (Heyward) differs, but Laurens thoroughly respects his opinion and sincerity.

<sup>3</sup> Cf. Chapter XXI., p. 320, and n. 2. For vote of April 22, 1779, see

relations with Robert Morris and Jay were strained, the questions which divided them had nothing to do with the "constructive" or "liberative" principles.

Though Laurens entertained decided views of republican simplicity, he was a life-long conservative, denounced Congress's unsystematic methods of business, and when he had occasion to express himself on the proper functions of the executive, desired a more powerful single head than most of his countrymen would approve.<sup>1</sup> His desire in 1779 for a convention to devise a new constitution indicates a strong sympathy with constructive ideas, and the fact that he desired the Commander-in-Chief and a few other leading generals to assist in the work indicates distinctly that he favored a policy favorable to a vigorous executive; while his dissatisfaction expressed with the existing committee system in discussing the objects of the convention would certainly not rank him with the "liberative" party so deeply attached to committees and boards.<sup>2</sup> Taking it all in all, we may say that his associations were mainly with the Adams-Lee group in Congress, but that he did not share their narrow ideas on military affairs, administration, and diplomacy.

Wharton says<sup>3</sup>:

Laurens was in the fall of 1777 regarded as sympathizing with Samuel Adams and the Lees in their dread of executive invasion of Congressional prerogative. This was the cause of his being looked upon by Gates and Conway as friendly to their cause, differing in this respect from his son, John Laurens, who was devotedly attached to Washington.

Again in the mosaic of truth and fiction with which Wharton fills out a notice of Laurens in his sketches of the diplomats of the Revolution, he states that, "carried away by the Saratoga victory he for a time attached himself personally to Gates."<sup>4</sup>

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*Jours. Cong.*, xiii., 499-500. Sumner, i., 186, is mistaken in saying that South Carolina and Virginia, voted to recall Franklin. It was North Carolina and Virginia. To President John Rutledge Laurens wrote, Dec. 1, 1777, "We have lately received the strongest confirmation of the great Franklin's opinion."

<sup>1</sup> See below, p. 336 on President's veto.

<sup>2</sup> See the letter in Chapter XXII., p. 336.

<sup>3</sup> I., 280-81.

<sup>4</sup> Wharton, i., 581.

Nothing could be more groundless than the statement that Laurens "for a time attached himself personally to Gates." We recall the severe censure passed by Laurens upon Gates for allowing Burgoyne to escape unconditional surrender. His opposition to those who did attach themselves to Gates appears clearly in his letter of January 3, 1778, to John Laurens, which shows how far he was from being "carried away by the Saratoga victory":

Comparisons I have often heard of the miscarriages and inactivity in the Southern, with the successes in the Northern department<sup>1</sup>; but I have never been at a loss for arguments to convince reasonable men that there was no ground for censure in one case, and that in the other we had been fortunate. —It would be useless to relate stuff of this class; men of sense treat these things with contempt.

To the same effect was his message to Lafayette on the 12th: "Gates conquered Burgoyne under every disadvantage of situation and reduced to the last extremity"; and as to speaking of this success in derogation of Washington, "answers are easily given to such silly remarks."<sup>2</sup>

These remarks and fuller letters to be quoted presently make it plain that Laurens was not swept into any unreasonable admiration for Gates, far less that "he for a time attached himself personally to" him. We cannot doubt that he esteemed the character and ability of the "victor of Saratoga" more highly than they stand in the verdict of history; but who did not in 1777 and '8? He approved instituting the Board of War. Washington had earlier urged such a Board, and there was excellent reason to expect the new plan to be an improvement on the old.<sup>3</sup> Laurens was an absolute stranger to the sinister plot of placing enemies of Washington in control of the Board.

Laurens was very severe on Conway, but seems to have considered that Gates was in danger of being drawn away by that officer rather than being himself the tacit leader and will-

<sup>1</sup> The Northern department was the region north of New York City; the Southern that around Philadelphia.

<sup>2</sup> Laurens's expressions to others during October and November, 1777, were to the same effect. *E. g.*, to Huger, and others in Laurens MSS. in Hist. Soc. Penn.

<sup>3</sup> Bancroft, iv., 425; v., 210.

ing beneficiary of the clique. He regretted the breach between Gates and Washington and sought to heal it for the good of the service.<sup>1</sup>

<sup>1</sup>During the Conway Cabal Lafayette carried on a constant intimate correspondence with Laurens in which he freely expressed the most severe opinions of Conway and Gates. Though Lafayette had unpleasant passes with Gates and derided the idea of his success at Saratoga entitling him to great consideration as a general, he does not appear to have suspected the depth of his schemes.—*S. C. Hist. Mag.* for 1906.

Lest I should be thought to conceal evidence, I give here the most intimate and complimentary passages I have been able to discover in all of Laurens's Papers and in the Gates Papers in the New York Hist. Soc. Library. Nov. 5, 1777, Laurens as President addressed the following official letter of congratulation to Gen. Gates:

"I feel myself particularly happy in the honour of transmitting the enclosed vote of thanks by Congress in their own name and in behalf of their constituents to yourself, to Major General Lincoln, Major General Arnold and the rest of the officers and troops under your command, with an additional vote for perpetuating the remembrance of this great event by a medal.

"Your name Sir will be written in the breasts of the grateful Americans of the present age and sent down to posterity in characters which will remain indelible when the gold shall have changed its appearance. Permit me, sir, to add that I participate not only in the general rejoicing but in that also which is visible among your very best friends."—Gates Papers in N. Y. Hist. Soc. and in President Laurens's letter book in Library of Cong.

After announcing to Gen. Gates his election to the Board of War, President Laurens continues (Nov. 28, 1777):

... "a circumstance strongly expressive of the high sense which Congress entertain of your abilities and peculiar fitness to discharge the duties of that important office, upon the right execution of which, the safety and interest of the United States eminently depend."—Gates Papers in N. Y. Hist. Soc.

President Laurens to Gen. Gates, Nov. 29, 1777, is rather cold, containing nothing beyond the barest necessity of official position.—Laurens MSS. in Hist. Soc. Penn.

Official letter of Laurens to President John Rutledge, Dec. 1, 1777:

"Major General Gates is appointed by Congress President of the New Board of War and to act occasionally in the field. His associates at the Board—Gen. Mifflin, Colo. Pickering, Colo. Jo. Trumbull and Mr. R. Peters. Salary 2500 dollars per annum. We have great expectations from this institution. A new appointment for commerce I hope will soon take place. Owing to ill luck or somewhat else the old has produced little more than an expense most amazing—and a ragged army."

Having examined Laurens's attitude toward Gates, we may notice Gates's attitude towards him. How Laurens was regarded and by whom and with what degree of correctness as to his attitude towards executive interference in 1777, I cannot say; nor do I know to what extent Gates and Conway fell into the error of looking upon him as favorable to their cause; but certainly such feelers as they threw out in his direction, as will presently appear, met with the most disappointing results. I do know, however, that nothing could be more unwarranted than Wharton's suddenly shifting at this point from quoting these men's supposed opinions into the direct statement on his own responsibility that Laurens differed from his son in not being attached to Washington. The rest of this chapter will show that Washington had no more devoted friend.

The chief beneficiary of the plot to displace Washington was this same Horatio Gates, whose partisans had been steadily seeking since Saratoga to bring Congress to the opinion that the safety of the country demanded that he, instead of Washington, should be Commander-in-Chief of the American armies. How far he was the chief engineer and how far the willing accomplice of more active leaders is somewhat obscure. The plot had a few active supporters in Congress and the army. Chief among the former were James Lovell of Massachusetts and Benjamin Rush of Pennsylvania, and among the latter, Gates, Mifflin, and Conway. The base and perilous designs of these men found ready material in the prejudice, impatience, and ignorance of military affairs of a number of Congressmen who

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Laurens, March 6, 1778, recommends Lafayette to consult Washington and also "Genl. Gates as an officer and a patriot, not as a part of the Board of War."

Mr. Laurens the private member of Congress writes to Gen. Gates, May 15, 1779, that he rejoices to hear of the general council of officers at Valley Forge. "Let us keep our friends in harmony and we shall have nothing to fear from our enemies."—Gates Papers in N. Y. Hist. Soc.

Congress resolved, Nov. 4, 1777, to give Gates a gold medal. In a letter to Congressman Laurens, Gen. Gates says that he supposes he will have to wait until Laurens is President again to get his gold medal.—Laurens MSS. in L. I. Hist. Soc.

were free from their colleagues' guilty aims, but deserve, nevertheless, the censure which they have received for the narrowness of their views and the facility with which they allowed themselves to be made the tools of a crew whose success would have meant the death of the Republic. Laurens furnishes us an intimate picture of their criticisms in this scrap of memorandum as early as October, 1777:

I am writing in Congress and in the midst of much talk (not regular Congress). "Buz!" says one; "I would if I had been Commr. of that army with such powers have procured all the necessaries which are said to be wanted without such whining complaints."

"I would," says 2d., "have prevented the amazing desertions which have happened. It only wants proper attention at fountain head." 3d.: "It is very easy to prevent intercourse between the army and the enemy and as easy to gain intelligence; but we never mind who comes in and who goes out of our camp." "In short," 4th., "our army is under no regulation nor discipline," &c., &c., &c.

You know I abhor tell tales, but these sounds hurt me exceedingly. I know the effects of loose tongues; I know the cruelty of tongues speaking the fullness of designing hearts—nevertheless I am afraid there may be some ground for some of these remarks. A good heart may be too diffident, too apprehensive of doing right, righteous, proper acts, lest such should be interpreted arbitrary. But good God, shall we (break in MS.) five hundred and destroy five millions?

The subject is too delicate to dwell upon. I wish I was well acquainted with the man whom I think, all in all, the first of the age, and that he would follow my advice. He accepts the opinion of some who have no superior claim, all vanity apart.<sup>1</sup>

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<sup>1</sup> Laurens to John Laurens, October 16, 1777, in *S. C. Hist. Mag.*, vi., 6-7. This, written in the closest confidence to his son, proves Laurens's devotion to Washington, if such proof were needed. As to the justification of his admission that he is "afraid there may be some ground for some of these remarks," cf. the following from DeKalb: "An officer at the moment of an engagement quits his regiment; tells his commandant,—or does not tell him, as the case may be,—that he has business elsewhere; and remains away in the neighboring town until the affair is over. Nobody says anything to him; he is paid his emoluments as before; and he will do the same thing again on the first opportunity. There are some who have acted on this plan ever since the war commenced." And further, says DeKalb, noting the same leniency and modesty in assuming authority which attracted Laurens's attention, "General Washington is the most valiant and upright man. I am convinced that he would do good if he took more upon himself in the



These criticisms, so rife before Saratoga, mounted to their greatest height when that event threw Gates's success into contrast with Washington's recent defeats at Brandywine and Germantown. Even such men as John and Samuel Adams contributed powerfully to the hostility to Washington by ridiculing in their dogmatic, intolerant style his "Fabian policy," calling for "a short and violent war" and preaching that the worship of a man amounted to the sin of idolatry which would certainly call down the curse of Heaven. John Adams exclaimed on the repulse of the British from the forts in the Delaware, "Thank God the glory is not immediately due to the Commander-in-Chief, or idolatry and adulation would have been so excessive as to endanger our liberties"; and it is not creditable that almost his literal language was found suitable for his purpose by the author of one of the basest of the anonymous attacks upon Washington's character.<sup>1</sup>

The chief conspirators had been feeling their way for some months before circumstances enabled them to become aggressive. On learning, January 3, 1778, of Conway's letter which gave Washington the opportunity to drag the plotters into the light, Laurens wrote to his son John Laurens, "Some of our friends in Charles Town to whom I had communicated my sentiments freely, when they learn our present circumstances, will look back to my letters of August and September." As difficulties gathered about Washington, the plotters gave a wider currency to their charges of incompetency, and Generals

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future than he has in the past."—Trevelyan, part iii., 328-9. Also note that "During the earliest years of the war from five to eight thousand American muskets had disappeared annually. Most of them were carried away as keepsakes by departing soldiers. It was a custom which would not have endeared itself to Frederick the Great; and, in the first twelve months of von Steuben's Inspectorship, fewer than twenty fire-arms were lost to the nation."—Trevelyan, part iii., 332, n., quoting from Fiske, Chapter x. Washington's shrinking from the appearance of usurpation, and the lack of effective assistance, which was better supplied in the spring of 1778, accounted for all that was justifiable in these criticisms.

<sup>1</sup> Washington's *Works*, v., 499.

Sullivan and Wayne even lent their influence.<sup>1</sup> It was asserted that cowardice restrained Washington from driving Howe out of Philadelphia though he had two or three times the forces of the British, while the fact was that the whole of his available force did not equal what Howe could have sent out as a foraging party; and Lovell even asserted that he marched his army up and down with no other purpose than to wear out their clothing, shoes, and stockings. The ambition of some, and the avarice of others to which Laurens alludes<sup>2</sup> were now satisfied by a series of promotions and appointments. Gates and Mifflin were placed upon the Board of War, and Conway was elected against Washington's protest Inspector General of the army, independent of the Commander-in-Chief.<sup>3</sup> Laurens was disgusted at these schemes of selfish aggrandizement and deplored the injustice involved to deserving officers. When Conway was promoted, he wrote President Rutledge, nine Brigadiers presented a protest; when Lieutenant Colonel Wilkinson was made a Brigadier, "eight valuable and meritorious Colonels protested to Congress."<sup>4</sup> He condemned just as strongly the unjust treatment of Arnold which was helping to drive that valuable officer into treason:

A late determination in Congress relative to a good old servant Genl. Arnold will probably deprive us of that officer and may be attended by further ill effects in the army. The reasoning upon this occasion was disgusting. He was refused not because he was deficient in merit or that his demand was not well founded, but because he asked for it and that granting at such instance would be derogatory to the honour of Congress.<sup>5</sup>

In the autumn of 1777 the scheme was pressed forward to force Washington by a series of interferences, shackles, vexations, and slights to resign his command. The cabal was carrying things with a high hand, in studied defiance to Washington's expressed opinions, which, says Laurens to his son, were "treated with so much indecent freedom and levity

<sup>1</sup> Bancroft, v., 211.

<sup>2</sup> See p. 268.

<sup>3</sup> *Journals*, ix., 1026; Bancroft, v., 212.

<sup>4</sup> Laurens to John Rutledge, Jan. 30, 1778. The same Wilkinson of such unsavory reputation in connection later with the Burr conspiracy, Spanish bribes, etc.

<sup>5</sup> Laurens to President Rutledge, Aug. 22, 1777.

as effected me exceedingly (and convinced me that your suspicions of a baneful influence are not unfounded)." The incompetence of the Board of War and Commissary and Quartermaster departments left wagon loads of clothing and provisions standing in the woods. The sufferings of the army at Valley Forge were due to these men and not, as is often supposed, to the poverty of the country. The strain upon Washington's patience and pride were all that their efforts to force disgrace and failure upon him could make it; but from a knowledge of what his resignation would mean to the country he stuck to his task.

The plot first broke from beneath ground by General Stirling's sending to Washington early in November, 1777, the quotation from Conway's letter to Gates, "Heaven has been determined to save your country, or a weak General and bad counsellors would have ruined it."<sup>1</sup> Laurens learned of this through a letter from his son, Colonel John Laurens, written from Washington's headquarters January 3d. Conway, says John Laurens, "has weight with a certain party, formed against the present Commander-in-Chief, at the head of which is Genl. Mifflin."<sup>2</sup> Conway had been beforehand in reaching the President of Congress and had sought him while ill in bed to give his account of a transaction which he knew must soon come to his knowledge, but he had failed to make the impression he desired. Laurens replied to his son's letter on the 8th:

. . . If my memory does not deceive me, I hinted some time ago my discovery of party in our councils; the events which I dreaded and in many instances predicted are now coming to maturity. Some of our friends in Charles Town to whom I communicated my sentiments freely, when they learn our present circumstances will look back to my letters of August and September. I lament the particular unhappiness which you write of, but I do not confine my view to so narrow a circle; our whole frame is shattered; we are tottering, and without immediate exertions of wisdom and fortitude we must fall flat down. Among the causes of this melancholy state are to

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<sup>1</sup> For a good narrative of the Conway Cabal, see Fiske's *American Revolution*, ii., 32-46. For the papers connected with it, see Washington's *Works*, v., 139, 483-518.

<sup>2</sup> The letter is in the *Army Correspondence of Col. John Laurens*, 101-4.

be found some men in whom your friend<sup>1</sup> reposed an implicit confidence—I do not mean in the army. Did not I intimate to you some distress I was under in answering a letter soon after I was called to the Presidency because I could not flatter?—the man alluded to, against whom I can have no prejudice, for we always in our short acquaintance eat and drank together in great cordiality, has contributed largely to the formation of *party*—his fawning mild address and obsequiousness, procured him toleration from great men on both sides, a sort of favoritism from some; his idleness, duplicity and criminal partialities in a certain circle laid the foundation of our present deplorable state. If your friend knew these things as well as I do, he would see as clearly as I do how his honest heart has been deceived. But enough of this till we meet.

I am not quite sure of the fact, but I believe you have hit the pivot upon which the late mischiefs have turned. In order, however, to justify this idea, we must include characters of whom your friend entertains the most favorable sentiments. These taken together form a club whose demands upon the treasury and the war office never go ungratified. Candour obliges me to say that some of them respect your friend, and I am persuaded would not wittingly be concerned in a plot against him; but they “want the honour to defend.” In all such junctoes there are prompters and actors, accommodators, candle snuffers, shifters of scenes and mutes.

I have been and am uniformly opposed to all of them. The motives of your friend are pure, and he has nothing in view but the happiness of his country. That pivot and the rest of them, one in particular who stands high in the good graces of your friend, make patriotism the stalking horse to their private interests, and some of them, I am well informed, have already mounted to vast paper money estates. . . . Those among them who love money best must sacrifice peace offerings to the passion of their colleagues whose ambition is most impetuous; and some there are whose ambition and avarice must *both* be fed. All these in course of time will be exposed to public view; at present, they seem to triumph. God knows I feel no regret from private considerations; I never touch, I desire never to touch, public money and I have no ambition to gratify. I feel for my country—I feel for thirteen infant States. I have delivered my sentiments very freely against maladministration and pointed to that of “the one in particular”; nor will I ever spare my honest opinion when it shall be proper to deliver it. To break the combination is a work not to be easily nor suddenly performed; and you will perceive it is the more difficult from the texture which I have very fairly described.

I will attend to all their movements and have set my face against every wicked attempt however specious; but there is no other measure so likely to defeat the projects against your friend as a steady perseverance in duty, of which he, if I may judge, from his conduct, is truly sensible. His

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<sup>1</sup> I. e., Washington.

virtues are admitted and admired by *all* men, and if there be such a devil in the opposition as a rooted enemy to him, yet even *his knowledge* of mankind must dictate despair of degrading that worthy man without the procuration of his own consent and aid. These I trust he will never afford to him or them; in his would be involved the ruin of our cause; on the other hand his magnanimity, his patience, will save his country and confound his enemies. Comparison I have often heard of the miscarriages and inactivity in the Southern with the successes in the Northern department; but I have never been at a loss for arguments to convince reasonable men there was no ground for censure in one case, and that in the other we had been fortunate.—It would be useless to relate stuff of this class; men of sense treat these things with contempt.

The affair of G. C. which has so deeply affected you must be a little trouble—some to your friend—but it cannot long continue so, if the fact relative to the letter be exactly as you have been informed. Every man of honour throughout these States will feel himself wounded and will think and speak of the circumstance according to its demerit. While I lay ill of the gout, the G— explained that transaction to me, but in much softer language than your quotation speaks. Indeed he denied there was such a sentence in his letter and averred he had spoken of your friend in terms of respect. However, there was *something*, in the manner of his representation, which raised doubts in my mind, and the correspondence, even under favour of his own narrative, appeared to me to have been indiscreet and dangerous. . . . The visitor who came next to my bedside introduced the subject which the G. had just dropped.—I very candidly said, according to the G's explanation there appeared no criminal intention, but there was something about it which did not look well.—The G's late behavior towards your friend is, in my judgment, through the whole, very reprehensible; but the taunts and sarcasms contained under the 31st December are unbecoming his character and unpardonable.

He adds a postscript saying he has just heard a discussion in "a large company" on Washington's recommendation in appointing a Quarter Master General:

His opinion treated with so much indecent freedom and levity as affected me exceedingly and convinced me that your suspicions of a baneful influence are not unfounded.

Washington indeed had need of friends just then in a body where "his opinion," on a military matter at that, was "treated with so much indecent freedom and levity." Well might Laurens say to his son, your news "convinced me that your suspicions of a baneful influence are not unfounded."

Well was it for the country that at a time when so many of the members of Congress were unworthy of their position and some even of the best were swayed by such dangerous jealousy of Washington that the Presidency was held by one of unblemished honor who appreciated adequately the one man with whom the salvation of the country rested; for there are few faults more dangerous, though there are many more wicked, than to be unable to recognize such a man. Laurens might well suppose that "to break the combination is a work not to be easily nor suddenly performed." He aimed straight at the means by which it was to be defeated: "Every man of honour throughout these States will feel himself wounded and will think and speak of the circumstance according to its demerit." His pledge, "I will attend to all their movements and have set my face against every wicked attempt however specious," was true of both his past and future conduct. The same day he said to John:

I have been twice called to account by a stricken deer, and I suppose I stand open at this moment to a third attack by interrogatories.

Judging from later incidents of which we have fuller information, Laurens must have been called upon to specify the persons meant in his denunciation of the plotters.

Soon after the letter of January 3d from his son, President Laurens received for transmission to Gates Washington's letter of January 4th. Learning from this that Washington had not seen the original letter, Gates resorted to a clumsy tissue of falsehoods, only to be exposed with cold and merciless severity. The conspirators were not idle. An anonymous slanderous letter dated January 12th, immediately traced to Dr. Benjamin Rush, was sent to Governor Patrick Henry, who forwarded it immediately to Washington.

January 26th as Laurens sat in the President's chair, a member handed him a letter directed to Congress, with the remark that it had been picked up upon the stairs, the object evidently being to betray him into reading it out before discovering its nature. But the prudent presiding officer finding it to be an anonymous slander against the Commander-in-

Chief, stuffed it into his pocket with the remark to the house "that it was an anonymous production containing stuff which I must be content with as perquisites of office—that the hearth was the proper depository for such records."<sup>1</sup> Without showing it to anyone, he forwarded it the next day to Washington. The friends of John Adams have the mortification of seeing this elaborate paper concluded with phrases taken from the plentiful storehouse of that statesman's unreasonable and petulant criticism. Washington wrote Laurens that he could not "sufficiently express the obligation I feel to you, for your friendship and politeness upon an occasion in which I am so deeply interested," expressed warmly his "grateful sense of the favorable disposition you have manifested to me in this affair," and concluded with the assurance of his "real esteem and regard."<sup>2</sup>

Laurens continued on the alert, and it is to him that we owe an exact quotation from one of Conway's letters which, he says, though not containing the exact words already public, "yet in substance it contained that and ten times more." When shown the letter by Roberdeau, he copied out the following passage, which he gave to Washington's aide, Major Fitzgerald, with sentiments, says Major Fitzgerald, which "were exceedingly just, and delivered with the greatest candor:"<sup>3</sup>

What a pity there is but one Gates! But the more I see of this army, the less I think it fit for general action under its present chiefs and actual dis-

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<sup>1</sup> Laurens to Washington, Jan. 27, 1778, in MS. letters to Washington in Lib. of Cong., where also is the anonymous letter. The latter was dated Jan. 17, 1778, and addressed on the cover: "To the Honble the President of Congress and every Member thereof." On the second cover: "The Honble Henry Laurens, Esq., Presidt of Congress." After three large closely written pages of criticism it concludes: "That the people of America have been guilty of Idolatry by making a man their god—and that the God of Heaven and Earth will convince them by wofull experience that he is only a man.

"That no good may be expected from the standing army until Baal and his worshipers are banished from the camp."

<sup>2</sup> Washington's *Works*, v., 504. Cf. Washington's expressing to Laurens, Nov. 14, 1778, "the truest attachment and most perfect confidence."

<sup>3</sup> *Ibid.*, v., 510-11.

cipline. I speak to you sincerely and freely, and wish I could serve under you.

A part of the scheme was to attach Lafayette to the conspirators and so gain the influence of the French court and officers, which would be so valuable after the expected French alliance. A hair-brained plan was pressed through Congress without even consulting Washington for a winter expedition against Canada and Lafayette was elected, January 23d, as its leader. Such an indignity to the Commander-in-Chief shows how strongly the tide of opposition was still running. Laurens disapproved, notwithstanding his and his son's close personal friendship with Lafayette; but only himself and three others were found to oppose what he called "that indigested romantic scheme." He blamed both Congress and the Board of War for their slur upon Washington. "Ignorance might perhaps have accounted for the conduct of the former, although they were amply warned against the unjustifiable step." It is to be noticed that he neither excuses the Board of War, approves of their policy, nor entertains of them his former high expectations. In the dark moves and motives with which he was surrounded he could neither be sure of sincerity in the promoters nor yet of their having clandestine aims; for there is evident uneasiness in his message to John two days after Lafayette's election: "There can be nothing else intended but honour to the Marquis & benefit to the public. General Conway is voted second in command & General Starke third."<sup>1</sup>

Lafayette properly resented the affront to Washington and compelled Congress reluctantly to make amends. His unplanned and unprovided expedition had not progressed far when he realized the ridiculous spectacle he was making. His letters to Laurens during the incident are filled with disgust, shame, and the dread of being laughed at.<sup>2</sup> The almost unbelievable bungling of the promoters compelled Lafayette to pay the most trifling expenses out of his own pocket though,

<sup>1</sup> Laurens to John Rutledge, Jan. 30 and March 11, 1778, and to John Laurens, Jan. 25, 1778, in *S. C. Hist. Mag.*, vi., 48-9.

<sup>2</sup> Letters in *S. C. Hist. Mag.* during 1906-7.



he wrote, "I can't help laying (*sic*) in telling them that it is given by Congress to me," when as a matter of fact he was borrowing to the limit of his private credit. Laurens promptly lent him \$6000 of his own funds on urgent appeal.<sup>1</sup>

The intrigue failed completely; the foolhardy expedition was abandoned, and Lafayette was glad enough to get back to Washington's headquarters.

Early in 1778 the conspirators began to feel the public scorn which greeted the revelation of their schemes. One after another, from Gates down, they hastened to disclaim their connection. The reaction of public feeling left Washington more strongly entrenched in the confidence and affection of the people than he had been when John Adams complained of "idolatry and adulation"; but it did not, as he had predicted, "endanger our liberties," but rather gave them a new support. The reputation of Congress, already reduced, suffered irreparably from the baseness of some of its members and the facility with which the majority had lent themselves to their wicked and perilous schemes. No more pronounced testimony to this decline and no more urgent cry for betterment can be found than in the words of Henry Laurens during the next two years.

The conspiracy being broken, Laurens did all in his power for the good of the service to heal the breach between Washington and Gates;<sup>2</sup> but that "calm, wise, just, and single-minded man" stood in need of no one's aid, however well meant, to teach him how to regard his enemy in future or to remind him how he should suppress his personal grievance for the public interest. I do not discover that Laurens's attitude towards Gates went any further than this. The following extract from a letter of April 9, 1778, to John Laurens indicates, however, that he, like most Americans at the time, still entertained a better opinion of Gates than that person merited:

<sup>1</sup> Lafayette to Laurens, Jan., 1778, Feb. 23, 1778, and March 20, 1778, *S. C. Hist. Mag.*, vii., 181-2, and viii., 5 and 18; Laurens to Lafayette, March 6, 1778, in transcripts in Carnegie Inst. for *Letters from Members of the Continental Congress*.

<sup>2</sup> Laurens to Motte, Jan. 26, 1778.

In conversation with General Gates, without seeking on my side, I discovered an inclination on his part to be upon friendly terms with our great and good general. It can not be doubted that there is the same disposition upon the other side. What would I not give to see a perfect and happy reconciliation? In talking of General Conway's letter, which has been circulating, as formerly intimated, and of which General Gates declared his ignorance and disapprobation, I took occasion to say if General Conway pretends sincerity in his late parallel between the great F. [Fabius] and the great W., he has, taking this letter into view, been guilty of the greatest hypocrisy; if not, he is chargeable with the guilt of an unprovoked sarcasm. The General (Gates) acquiesced in that statement, and added such hints as convinced me he thought lightly of Conway. Shall such a man separate friends and keep them asunder? It must not be.<sup>1</sup>

Of Conway Laurens had previously entertained a high opinion.<sup>2</sup> That General, irritated at Congress, as a grand bluff tendered his resignation in a letter of April 22d; but Congress had learned something of ultimate values, and to his chagrin it was accepted by a vote of 8 to 1.<sup>3</sup> When he vainly sought reinstatement Laurens opposed, considering that "his conduct respecting Gen. Washington is criminal and unpardonable." But this was not enough for "this combination of weakness and impudence," as Laurens calls him. He came to Congress and losing his temper, accused Laurens in his own house before his secretary with making a private letter public—a charge for which he was obliged to apologize upon Laurens's immediately producing his plainly public communication. Later he returned in softened mood. This morning, Laurens wrote to his son,

I had occasion to wish a little hypocrisy had been thrown into my frame. In came Gen. Conway with a letter in his hand and in an obsequious address different from that of yesterday asked me if I were sending letters to camp. I decently replied in the affirmative, desiring him to put his upon the table; it should be forwarded with other dispatches immediately. So far duty in office demanded good manners on my part. He then asked in a low and soft tone, "Did not the Marquis de Lafayette, Mr. President, write you in

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<sup>1</sup> MS. in Dreer Collection, Philadelphia, quoted in Wharton, i., 281. The words "Fabius" in brackets and "Gates" in parenthesis are so in Wharton, I presume having been inserted by him.

<sup>2</sup> Laurens to Motte, Jan. 26-30, 1778.

<sup>3</sup> Laurens to Lowndes, May 1, 1778.

my behalf?" and was proceeding to further conversation. I felt the injury he had attempted, and instantly replied, "I have really forgot, Gen. Conway, and I must beg, sir, you will excuse me." <sup>1</sup>

The Cabal was dead, but the country had none the less fallen on evil days. Laurens's declaration that our salvation lay in the fact that the enemy "keeps pace with us in profusion, mismanagement and family discord" continued to be lamentably true, and the "resurrection of able men" from the tomb of a dead patriotism for which he cried was slow in coming.

<sup>1</sup> Laurens to John Laurens, June 5, 1778. See also his fuller account written to Lafayette the same day.

## CHAPTER XX

### THE FRENCH ALLIANCE, ETC., 1778

**French Alliance—Finances—Denunciation of Corruption—Half Pay Question—British Peace Commission—Misunderstanding with Gadsden—Resignation as President Declined a Second Time.**

**L**AURENS, like Washington and all the wiser leaders, recognized that the help of France, valuable as it was, sprung from hatred of England rather than love for America, and that our enthusiasm should accordingly be tempered with caution. The bitter feelings which had characterized all the colonies towards France, especially since the last war, were slow to yield; and nothing, says Wharton, better measures the length to which alienation from the mother country had gone than the willingness to form an alliance with the ancient common enemy. We find Laurens immediately before the treaty speaking of the French as "artful specious half friends" who wished to help the United States only so far as they could thereby help France, towards whom we were in peril of becoming dangerously subservient on account of entering so deeply into their debt. France, he continues, has

played off our commissioners and ambassadors like puppets. . . . We have the strongest proofs of French perfidy, as well as of British imbecility and American credulity and puppetism.<sup>1</sup> And yet, sir, we are dreaming on, trusting as it were to Providence to give us this day our daily bread of brown paper, drawing from France as an exhaustless spring, although she has told us in so many words "it is impossible to lend

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<sup>1</sup> It is hardly necessary to remark that Laurens here as so often in his private correspondence allows himself very impatient and extravagant expressions.

us two millions sterling." . . . It is not necessary that we should break with France. We might make use of her. I am sure it may be done with good effect; but, as I have already intimated, it seems as if every man fit for these great purposes had married a wife and staid to prove her. Sir, I see and I lament, but I can do nothing more than a kind of negative good. . . . If there be not speedily a resurrection of able men and of that virtue which I thought had been genuine in 1775, we are gone. We shall undo ourselves. We must flee to the mountains; but woe to them who have been Governors and Presidents who have given orders for borrowing the King's gunpowder<sup>1</sup> and suspending the embarkation of his favorite warrior.<sup>2</sup>

Despite the humorous dash, he felt very deeply the dangers of the situation. To Isaac Motte he wrote, January 26-30, 1778, that Congress was often reduced to fifteen members—sometimes barely nine States represented; not men enough for the bare drudgery of committees:

but at present we want genius, insight, foresight, fortitude and all the virtues and powers of the human mind. O shameful, shameless sons of liberty, versatile, boasting Americans. Ye have bought yokes of oxen and married wives, ye stay to prove them. Trifle a little longer, and ye and your wives go graze with those oxen which once had been your property.<sup>3</sup>

The treaties of commerce and alliance, signed February 6, 1778, were too valuable not to be hailed with delight by the most cautious. Laurens had predicted as early as February, 1776, that if the war continued an alliance would be made with France.<sup>4</sup> He expressed his "most hearty congratulations upon the promising event," notwithstanding his objections to certain commercial advantages granted to France,<sup>5</sup> and the absence of any guarantee that the United States should not be prevented from acquiring Florida and the Bahamas. He suspected as soon as the treaties were read that Spain was to get Florida, but he was ridiculed; nevertheless it soon began to be apparent that he was right.

<sup>1</sup> In South Carolina in 1775. See *supra*.

<sup>2</sup> Laurens to Gov. William Livingston, Jan. 27, 1778.

<sup>3</sup> Laurens to Isaac Motte, Jan. 26-30, 1778.

<sup>4</sup> *Collections of S. C. Hist. Soc.*, i., 32, n.

<sup>5</sup> Laurens to Gervais, May 3, 1778, to John Laurens, May 3, 1778, and to John Rutledge, May 4, 1778.

I am afraid our present commissioners are not apprized of the immense value to our whole Union of St. Augustine and Bahama, and that too many of us here view the matter in the light of partial benefit.<sup>1</sup>

As a merchant, Laurens knew well the value of the trade to the south and was anxious that we should acquire the possessions in question. His protest strikes the keynote of his statesmanship: aversion to schemes of "partial benefit" and his insistence upon a comprehensive system defending every American interest without regard to sectionalism. We shall find him even more strongly insisting upon a common advantage of the Union at the other geographical extremity in the matter of the New Foundland fisheries, in which some of his Southern associates in Congress were unable to appreciate his position.

The glittering temptation of Canadian conquest offered Lafayette by the Gates-Conway conspirators in January, 1778, was not obliterated from his imagination by the enforced abandonment of the expedition at that time. The formal alliance with his own country stirred his imagination, and later in the year on his own motion he broached the measure in a somewhat different form. Divisions of a French and American army coöperating from three directions were to unite in a grand campaign, which, he believed, could not but succeed. Congress favored the plan and referred it to Washington for his opinion. The General advised against it as impracticable and it was never undertaken. In a private letter to Laurens<sup>2</sup> he stated an objection which weighed heavily with him, but which it was impossible to express in an official paper. It impressed him, he said, as raising some of the most serious questions Congress had ever had to decide. The insurmountable objection was that France might on "specious pretences" decide to hold Canada for herself:

Hatred of England may carry some into an excess of confidence in France.  
. . . But it is a maxim founded on the universal experience of mankind,

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<sup>1</sup> Laurens to Gov. Wm. Livingston, Aug. 21, 1778.

<sup>2</sup> November 14, 1778; in Washington's *Works*, vi., 106-10.

that no nation is to be trusted farther than it is bound by its interest; and no prudent statesman or politician will venture to depart from it.

Even though France should begin with "the purest intentions," circumstances may cause her to "alter her view." He suspected that the court of France was speaking through Lafayette in order to put its schemes "into this artful dress," and concluded with the wish for us,

as much as possible, to avoid giving a foreign power new claims of merit for services performed for the United States, and would ask no assistance that is not indispensable.

Washington was mistaken, as the French archives prove, as to the intention of that court. France had definitely renounced Canada in 1763 and adopted as her American policy enlarging her West Indian dominions and recovering Louisiana.<sup>1</sup> On this point Laurens's surmises proved more correct than Washington's, though as to proper action for Congress their opinions were alike both in substance and the tenacity with which they were held. As Laurens never went into debt in his private business, so he dreaded the effects of a public debt. He feared that a large financial obligation to France might lead to her seizing ports or perhaps Canada, or deserting us entirely if England would pay her what we owed. These ideas are developed in his answer to Washington, November 20th:

I believe, and upon good grounds, the scheme for an expedition into Canada in concert with the arms of France, originated in the breast of the Marquis de Lafayette, encouraged probably by conferences with Count d'Estaing, and I also believe it to be the offspring of the purest motives, so far as respects that origin; but this is not sufficient to engage my concurrence in a measure big with eventual mischiefs. As deeply as my very limited time and faculties had suffered me to penetrate, I had often contemplated our delicate connection with France; and although it is painful to talk of

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<sup>1</sup> Cf. Prof. F. J. Turner's "Policy of France towards the Mississippi Valley in the Period of Washington and Adams," in *American Hist. Review*, x., 249 (January, 1905). Very much the same, though not so full, is an article by the same author in the *Atlantic Monthly*, 93, 676, and 807 (May and June, 1904).

one's own foresight, I had viewed and foretold fifteen months ago the humiliating state, to which our embryo independence would be reduced by courting from that nation the loan of more money, than should be actually necessary for the support of the army and of our unfortunate navy.

I was one of the six unsuccessful opponents of the resolution for borrowing money from France for paying the interest on our loan-office certificates. We have in this single article plunged the Union into a vast amount of debt; and from neglecting to exert our very small abilities, or even to show a leading disposition to cancel any part of the former demand against us, our bills for that interest are now floating in imminent danger of dishonor and disgrace. Fully persuaded of the true value of national honor, I anxiously wished to support our own by a propriety and consistency of conduct; and I dreaded the consequences of subjecting our happiness to the disposal of a powerful creditor, who might on very specious grounds interpret national honor to our destruction. I warned my friends against the danger of mortgaging these States to foreign powers. Every million of livres you borrow implies a pledge of your lands; and it is optional with your creditor to be paid at the bank of England with an exorbitant premium, or to collect the money due to him in any of your ports, and according to his own mode, whenever national interest shall require the support of pretended national honor.

Hence your Excellency will perceive what were my feelings, when the propositions for subduing Canada, by the aid of a French fleet and army, were broached to me. I demurred exceedingly to the Marquis's scheme, and expressed some doubts of the concurrence of Congress. This was going as far as I dared consistently with my office, or considering him a gentleman of equal honor and tenacity. I trusted the issue of his application to the sagacity of Congress. The business was referred to a committee, who conferred with the Marquis. Their report was framed agreeably to his wishes, but the House very prudently determined to consult the Commander-in-Chief previously to a final determination; and, although your Excellency's observations are committed, I am much mistaken if every member of Congress is not decided in his opinion in favor of them.

He continues with a declaration against dissipating energy or accumulating debt by attempts at foreign conquest in Canada, East Florida, or any other region.<sup>1</sup>

Another danger presented itself from the French alliance—the danger of our sinking into a false security instead of standing erect in our own strength and self-reliance. Accordingly, while he rejoiced in the success of the French arms, he was constrained to write:

<sup>1</sup> Washington's *Works*, vi., 110-12, note.



I am almost tempted to wish they had not happened. These fortunate circumstances will lull us to sleep again, and while our ally is gaining honor, aggrandizement and the highest national advantages we shall be sinking into a state little better than tributary and dependent—be this as it may, the world will ever honor by acknowledging the virtues of the man who from my inmost soul I believe keeps us at this moment from crumbling.<sup>1</sup>

Laurens's reluctance to substitute loans from France for reliance upon our own resources leads to a consideration of his position upon the finances in general. During his whole term his financial policy was dominated by the same ideas we have just heard him express touching our relations to France: self-reliance and self-exertion. Barely a month after entering Congress he laid down his program of a reasonable domestic loan and rigid economy in opposition to further paper issues and loans from France. Particularly he opposed as the worst

<sup>1</sup> Laurens to Washington in MS. Letters to Washington in Lib. of Cong. The greater part of this letter is printed in Washington's *Works*, vi., 110-12, note. Another illustration of Laurens's abhorrence of borrowing unless absolutely necessary is found in a letter to James Duane, April 7, 1778, protesting against the action of Congress that very morning in "contracting an enormous debt to a crafty and powerful foreign State." The reference is to the contract with Beaumarchais under the name of "Roderique Hortalez & Co.," allowing us to draw upon that firm for large amounts. Congress in doubt as to whether Hortalez—a name used as a screen by the French government—was a private party or really the French government, suspended the contract until hearing from Vergennes on this point. Vergennes, with barely formal regard for the truth, replied that Hortalez & Co. were private parties and that the King had furnished nothing to the Americans. Laurens paid no regard to this fiction by which France had been seeking to conceal her assistance. Beaumarchais did, however, in addition to what he received from the French government to be sent to America as purchases from Hortalez & Co., advance largely from his own means, only a part of which, sad to relate, due largely to the pseudonym and consequent confusion involved in the affair, he or his heirs ever received back from the American government towards the very existence of which he had so materially contributed. For the discussion of the Hortalez affair, see Wharton, i., 374-86.

Laurens, as perhaps all other Congressmen, was mystified as to the true character of Hortalez & Co., so much so as to speak of him as "in all appearances a partner of Mr. Deane's." He was dissatisfied with the confusion in conducting the business—a confusion which was responsible for the repudiation of a large part of the debt due Beaumarchais and his heirs.

possible policy drawing upon France for payment of interest on the public debt.

Wisdom dictates to us to draw on France for no more money than is absolutely necessary to pay for articles essential to our defensive war—that we should contract our expenses, public and private—recommend taxation in each Colony—borrow at home upon the best terms—clear the States of enemies—sell vacant and forfeited estates—encourage manufactures—strive more ardently to improve our marine force and do a thousand other things which we know to be necessary which we ought immediately to engage in and which we would do, if luxury and avarice were discountenanced and banished. If we have not virtue enough to save ourselves, easy access to the treasury of France will only hasten our ruin.<sup>1</sup>

A very excellent looking program, but how practicable? In the winter and spring of 1778 he sounded Congressmen upon the following plan for improvement, but found little response:<sup>2</sup> The wealthy were to make a sterling loan and by their sacrifice and faith thus manifested to animate those less fortunate to lend according to their means and inspire the common people to enlist in the army, where officers and men of means ought to give their services free. He estimated that five hundred men might be found who could advance almost £3,000,000 sterling and seemed to be ready himself to put in £5000 or £10,000 sterling.<sup>3</sup> The paper money was then to be retired. He met with so little encouragement, however, as to doubt the sincerity of professing patriots in the cause. "Can I then believe that men are in earnest? Yes, I see they are in earnest to plunder the common stock."

Here, then, we have a definite, businesslike program, based upon the specie ability of the wealthy, the retirement of continental paper money, and the common patriotism of all. A most excellent sounding plan. What, then, prevented its

<sup>1</sup> Laurens to Gervais, Sept. 5-9, 1777. Cf., also, Laurens to Rutledge, Aug. 19, 1777, and to McIntosh, Sept. 1, 1777.

He appears to have condemned the lottery as a means of raising revenue. Laurens to Gervais, Oct. 18, 1777.

<sup>2</sup> Laurens to John Laurens, March 15, 1778, in *S. C. Hist. Mag.*, vi., 105.

<sup>3</sup> The passage is not clear whether he was able actually to do this. See below.

adoption? The lack of the one thing needful during the entire war: a deep and steady national patriotism in the great body of the people—a splendid fruitage which it was useless to hope for at that stage of our development. That failing, what was the earnest patriot to do except cry aloud for “men of knowledge, virtue and spirit, adequate to the labor of stemming the torrent,” and exhort the people to revive “the spirit of patriotism which flashed in 1775?” And that failing, what remained except to lean as prudently as possible upon the rotten staff of brown paper and the dangerous arm of French credit?

Laurens's practical policy after the failure of his proposal exhibits the contradictions of a man seeking to do the best he can from month to month under a system which he disapproves but cannot escape. He bitterly complained that the States would not do their duty, and in the belief, unhappily too well grounded, that no improvement in that regard could be expected, he refused to rely upon that source when Congress voted “to stop the press” and make requisitions for the next year's expenses; he opposed more loans from France as endangering our freedom of action, or even our independence, but he abated nothing of his dissatisfaction with the flood of paper money. The number of his papers on the subject shows how steady was his interest; but it was hard to hope that any satisfactory plan would be adopted. In the outline for a speech in the latter part of 1779 proposals for a well-rounded system are less prominent than worry over depreciation, the history of which he outlines as follows:

“To 1777. Virtuous citizens.

“To March, 1778. Citizens tempted by prospect of gain.

“To June, 1779. First excess of circulating paper.”

The people distrusted loan office certificates because of doubt as to the success of foreign loans.

“The most pernicious act of all—the forcing of loans by calling in the emissions of April, 1778, and May, 1778—not the act, but the manner of enforcing it. Loss of confidence and almost an annihilation of credit.” In Holland the people would have torn open the doors “and Dewitted the projectors and supporters of the iniquitous and equally unnecessary measure.”

Luxury, forestalling, and extravagance help account for the rise of prices.<sup>1</sup>

All which may be said to arrive at nowhere. Laurens, like later critics, found it a great deal easier to explode denunciations at the bad state of affairs than to suggest any scheme of improvement which at that time and place stood the slightest chance of adoption. He was a first-class business man and a statesman of excellent ideas, and if he had been an absolute monarch backed by power to compel obedience, doubtless his wise orders would have produced some results; but neither he nor Pitt nor Robert Morris nor Alexander Hamilton in his prime could have made much improvement in the chaos out of which the destined cosmos was still far from emerging.

Laurens's impatience with the deranged finances accounts for much of the denunciation which he launches at Congress and its employees. He wrote, May 1, 1778, to Rawlins Lowndes:

Had we had men on this spot competent to the arrangement of our treasury and finances, men of knowledge, virtue and spirit, adequate to the labor of stemming the torrent of speculation which has overwhelmed us with brown paper dollars, we should have less cause to regret the loss of four frigates. These are gone; I trust, and devoutly pray, the eyes of these slumbering States may be opened and wise measures adopted for averting the loss of their independence.

When he uttered this cry for "men on this spot competent to the arrangement of our treasury and finances," twenty-four dollars of continental money were necessary to equal one dollar in specie. The value held up to about this until the autumn of 1779, when it rapidly declined. November 17, 1779, it was 38½ to 1.<sup>2</sup> Yet with the poor stuff so badly spoiled, the complainer whose stomach had so long rebelled against "our daily bread of brown paper dollars" was obliged, when he

<sup>1</sup> Laurens Papers, ii., in His. Soc. Penn. MSS. Parts not in quotations in this passage are condensed.

<sup>2</sup> Dewey's *Financial History of the United States*, 39.

saw the manna about to cease to fall, to cry out for fear of starvation:

A heavy weight is on my mind from a consideration of the wretched state of our paper currency. Congress determined a fortnight since to make no emissions beyond 200 million dollars. We are verging fast to that amount, yet not one solid step trodden in the road of future ways and means for replenishing our treasury and carrying on the war. We have, in my humble opinion, inverted the order of things, made that an harbinger which in wisdom ought to have been secondary.—Will the chapter of accidents again relieve us? God only knows.<sup>1</sup>

On September 1, 1779, Congress resolved that it would not issue over \$200,000,000 of paper money. The promoters of this measure determined to rely upon loans and requisitions. Only Laurens, Jay, and three others voted against the motion. Washington was of their opinion also, but reconciled himself to the measure on the supposition that there was good reason to expect other income; but this appearing uncertain, the situation appeared to him "not a little alarming." He lamented:

A virtuous exertion in the States respectively, and in the individuals of each State, may effect a great deal. But, alas! virtue and patriotism are almost extinct! Stockjobbing, speculation, engrossing, seem to be the great business of the day and of the multitude, whilst a virtuous few struggle, lament and suffer in silence, though I hope not in vain.<sup>2</sup>

We are not to suppose that either Washington, Laurens, or Jay loved paper money; but they all had been forced to consider it vain to rely upon the States. The \$200,000,000 limit of paper was reached by November 29, 1779, and the system of requisitions proved lamentably unproductive.<sup>3</sup>

<sup>1</sup> Laurens to Gov. Jonathan Trumbull, Sept. 26, 1779.

<sup>2</sup> Washington's *Works*, vi., 397.

<sup>3</sup> *Journals*, xv., 1325. The degree of reliability of requisitions is shown by the following from Sumner's *Financier and Finances of the Revolution*, ii., 55: "In a communication to Congress, August 1, 1783, Morris stated that the States had paid on the requisition of 1782 as follows: South Carolina, the whole, by means of supplies to the troops serving there; Rhode Island, nearly a quarter; Pennsylvania, above a fifth; Connecticut and New Jersey, each about a seventh; Massachusetts, about an eighth; Virginia, about a twelfth; New York and Maryland, each about a twentieth; New Hampshire, about one-one hundred and twenty-first; North Carolina,

Laurens has been criticized<sup>1</sup> because "he permitted himself to write letters attacking the revolutionary machinery, which, intercepted by the British and published, were not without mischievous results." Washington himself and many others wrote letters of this kind which, if intercepted, would have injured the cause more than any Laurens ever wrote.<sup>2</sup> Laurens was unfortunate in having one letter in particular fall into the hands of the enemy. He was one of the purest and most patriotic public men of the period; in his view of public questions the moral element always played a large part. Patient in the performance of his own tasks, however irksome, he was exacting towards others and intolerant of their incapacity or low moral standards. With all this he was an unusually composed man. In all his correspondence there occurs nothing save the death of wife or children which evokes such outbursts of passionate feeling as the lack of patriotism in the dark days of the Revolution. Doubtless his feelings sometimes hurried him into expressions which exceeded justice and misrepresented his own calm views, and we must remember that we are reading unguarded private letters. If there was a tithe of the dishonesty over which he mourns in and near Congress, the conditions were sad indeed. To Isaac Motte he wrote, January 26, 1778:

In England there was one Lord Holland; here in these virtuous States we have an hundred Foxes<sup>3</sup> who hold unaccounted millions and who have

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Delaware and Georgia, nothing at all." Dewey states (p. 45) that the four requisitions between November 2, 1777, and October 6, 1779, calling for \$95,000,000 in paper brought in \$54,667,000; and that the three specie requisitions during 1780-1 amounting to \$10,642,988 brought in \$1,592,222, and that the system "proved of little importance until the war was over."

<sup>1</sup> Wharton, i., 581.

<sup>2</sup> E. g., see Washington's *Works*, vi., 91 and 151. His letter of Dec. 30, 1778, to Benjamin Harrison employs some phrases almost identical with those of Laurens's of August 27, 1778. The painful fact is that these men could not truthfully describe the situation of the country without using severe phrases.

<sup>3</sup> Henry Fox (created first Lord Holland), father of Charles James Fox, amassed a fortune as Paymaster of the Forces and died one of the most seductive, corrupt, and generally hated politicians of his time.

been taught that Congress have not power to call them to account. O Liberty! O Virtue! O my country! upon the base prostitution of these sacred names knaves and fools are building enormous estates, sapping the foundations of liberty, virtue and their country, and taxing the honest and undesigning a thousand fold more than the British Parliament would or could have done. My dear Colonel, believe me, this is no rhapsody, no indulgence of fancy. I speak the truth and daily discourse, truth which all acknowledge and pretend to lament, but none will heartily join to amend. I fear too many are in truth concerned by a brother, a son or a friend, and some have been secretly engaged.<sup>1</sup>

The incompetence of many Congressmen and the indifference of the States tried him only less than corruption.

What complaints [he exclaimed to John Laurens] has your General been making for many months past—without the least good effect—how have delinquents not only been skreened—but held up in triumph & can you prevail on me to remain longer among such people—No—I will rather insist on your abandoning them—but indeed, *there*, are sometimes my hopes, *where you are*—A species of patriotism may at length spring forth from the Army and so far save this Country as to drive out the Enemy & punish sluggish torpid friends.<sup>2</sup>

About February, 1778, he determined to return home as soon as he could obtain permission to attend to his long neglected private affairs. South Carolina granted his request, but at the same time pleaded that he remain in Congress by electing him for a new term. This and the crisis in public affairs determined him to remain at his post, despite the fact that he "can do only a kind of negative good."<sup>3</sup>

His warnings fill his letters during the spring of 1778. To their deficiency of representation, he wrote Lowndes, May 1, 1778, were due "all this danger and a hundred other evils." As he thinks of the energy of John Adams, he longs to see him

<sup>1</sup> To see how little singular Laurens was, cf. the following from a copy of a letter of Simeon Deane to his brother Silas in the Laurens MSS. in the S. C. Hist. Soc. collections:

"But depend upon it, much of this country is really and radically altered. Patriotism, public spirit, the common cause, &c., are quite old stories, while engrossing, jockeying, electioneering are all in high vogue. In short, government is nearly annihilated, as well as decency."

<sup>2</sup> Laurens to John Laurens, March, 1778, in *S. C. Hist. Mag.*, vi., 104.

<sup>3</sup> Laurens to Gov. William Livingston, Feb. 5, 1778.

there again. He finds fault not only with the spare numbers, but with the inexperience of Congress, as, *e. g.*, in discussing commercial treaties with Denmark, Russia, Spain, Holland, and Sweden:

Two whole days the subject has been upon the anvil and very laboriously hammered. I have had the presumption to wish myself on the floor once or twice, from an opinion that even the little commercial knowledge I am possessed of might have struck light—there is not a merchant present.<sup>1</sup>

But a better day was about to dawn. During the spring and summer of 1778 Congress was considerably strengthened. May 21st Samuel Adams returned from an absence of over six months, which, under the Massachusetts rule requiring three delegates, had deprived the State of her vote; Gouverneur Morris took his seat from New York January 20, 1778; Roger Sherman returned April 25th after a long absence. All the States, even Delaware at last, sent representatives; Laurens, who since the beginning of November, 1777, had been the sole attendant from his State, was reënforced March 30th by the brilliant young William Henry Drayton, April 13th by Richard Hutson, April 22d by John Matthews, and June 6th by Thomas Heyward. Laurens cheered up a bit after this and even thought that peace might come within a year.<sup>2</sup> But things were still bad enough, even though enlivened by a flash of humor:

I remember to have heard somewhere of a Chief Justice recommending to a Grand Jury to present the King; permit me to ask my countrymen if it would be a greater outrage to present their attorneys (I am in earnest, Sir) for neglect of duty. . . .

Three hours of this morning passed in debate whether Gov. Franklin should be given in exchange for Gov. McKinly; the previous question by aye and nay; An oration by S. C., Esq.,<sup>3</sup> on the improvement of time, with life and character of Elizabeth and Mary Queen of Scots; the comparative beauty of black eyes and blue eyes; adjourned. Seldom a question upon a million of dollars; seldom an unquestionable demand for an hundred.<sup>4</sup>

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<sup>1</sup> Laurens to John Rutledge, June 3, 1778.

<sup>2</sup> Laurens to John Burnett, July 24, 1778.

<sup>3</sup> This shows a new side of Samuel Chase, the future Justice of the United States Supreme Court.

<sup>4</sup> Laurens to Rawlins Lowndes, Aug. 11, 1778.



It was at this time that Laurens wrote his famous letter of August 27, 1778, to Governor John Houston of Georgia which, by reason of being found among the Governor's papers in the conquest of Georgia<sup>1</sup> and published by the British, placed him in an unpleasant position:

I am constrained to say that unless the several States will keep their representation in Congress filled by men of competent ability, unshaken integrity and unremitting diligence; a plan which I very much fear is laid for the subduction of our Confederate Independence will, by the operations of masked enemies, be completely executed;<sup>2</sup> so far, I mean, as relates to all the sea-coast, and possibly to the present generation. Were I to unfold to you, sir, scenes of venality, speculation and fraud which I have discovered, the disclosure would astonish you; nor would you, sir, be less astonished were I, by a detail which the occasion would require, prove to you that he would be a pitiful rogue indeed who, when detected or suspected, meets not with powerful advocates among those who, in the present corrupt time, ought to exert all their powers in the support of these friend-plundered, much injured, and I was almost going to say, sinking States. Don't apprehend, sir, that I color too highly or that any part of these intimations are the effect of rash judgment or despondency. I am warranted to say they are not. My opinion, my sentiments, are supported every day by the declaration of individuals; the difficulty lies in bringing men collectively to attack with vigor a proper object. I have said so much to you, sir, as Governor of a State, not intended for public conversation, which sound policy forbids; and at the same time commands deep thinking from every man appointed a guardian of the fortunes and honor of these orphan States.<sup>3</sup>

This is certainly a terrible denunciation or an outrageous slander. The charges of plunder appear to be directed principally at officials in charge of public property, who are supposed to be defended by Congressmen who have a family, friendly or pecuniary interest in their success. The sad case of defalcation by Robert Morris's younger half-brother Thomas and that of the Deputy Commissary General of military stores come to mind. The arrangement by which a man so high as

<sup>1</sup> Marshall's *Washington*, i., 290, quoted in Wharton, iii., 169.

<sup>2</sup> Perhaps alludes to the objects of the British Peace Commissioners then in America.

<sup>3</sup> S. C. Hist. Soc. MSS. Wharton, i., 581; *Deane Papers*, iii., 449. The two copies last cited differ in a few insignificant words from the letter-book copy which I have used.

General Nathaniel Greene as Quartermaster General "entered into a most secret partnership" with the head of the commissary department to sell as members of a private firm supplies to their own departments, doubtless at not too low a figure, thus adding to their liberal commissions allowed by law, was scandalous enough and would have been branded by Laurens, as by our stricter laws of to-day, as clear corruption.<sup>1</sup> What credible reports had come to Laurens's ears, what suspicious circumstances he had observed, I cannot say; but we all know that a large amount of stealing can go on by unfaithful public servants without giving honest citizens a tangible hold for even their exposure, and that some corruption of this sort did exist among officials during the Revolution. Among his manuscripts is a long and able paper describing how the frauds in the various departments were worked and recommending plans for their elimination. The grafting described followed even in its details of method very much the same obvious lines as to-day.<sup>2</sup> The correspondence of the French ministers reveals the fact that during 1780-1 they were building up a French party by gifts and "loans" of money to members of Congress and others.<sup>3</sup> It throws some light upon the situation, though not to others gratification, to know that when the letter to Governor Houston was brought before Congress in the following May every attempt to fix any censure upon its author proved so futile that scant parliamentary justice even was allowed the gentleman who made the attempt, he being supported by scarcely a man except a few who were at odds with the writer, and some of the leading men congratulated Laurens upon the

<sup>1</sup> Laurens and Morris in *Laurens's Correspondence*, published by the Zenger Club in 1861, p. 78; Sumner's *Financier and Finances of the Revolution*, i., 212-14; Wharton, ii., 460; Laurens to Lowndes, Aug. 5, 1778. On Greene *et al.*, Bancroft, i., 219-20.

<sup>2</sup> Laurens MSS. in L. I. Hist. Soc., paper marked "No. 103 A."

<sup>3</sup> Bancroft, v., 473; John Jay's paper on the Peace Negotiations of 1782-3 read before the American Historical Association, May 23, 1887, citing De Circourt's *Histoire de l'Action commune de la France et de l'Amérique pour l'Indépendance des États-Unis*. Laurens while in the Tower of London in 1781 wrote of "the corrupt and wicked party, often the strongest," in Congress.

letter and said that such a one should be sent to the Governor of every State.<sup>1</sup>

Laurens's sweeping, unspecified charges grow tedious and raise our doubts by their very extravagance. His own pen furnishes evidence that he went too far. March 8, 1778, at this very period, he wrote, in seeking to soothe the irritated feelings of Lafayette:

Your Excellency will find that body,<sup>2</sup> however it may by artful men be sometimes a little bamboozled, to consist of honest, well disposed minds, and if "wisdom is justified of her children," I appeal<sup>3</sup> to their acts in general.

And in one of his most discouraged moods, in that same month, he testified to John Laurens favorably of the character at least of our "Senate of 13 members, seldom above 17, against whose honesty and good meaning I make no exception."<sup>4</sup>

During the spring of 1778, this much sinning, sorely berated, but withal very laborious and harassed Congress had to meet promptly the crisis of an army about to be ruined or dissolved. A committee repaired to camp and remained three months to confer with the Commander-in-Chief and study conditions at first hand. One of the measures urged most earnestly by Washington was providing half pay for life for the officers as absolutely necessary to stem the flood of resignations and restore spirit and discipline. The objections raised appealed to him as not only badly reasoned, but entirely beside the mark. The three leading adverse arguments were that it involved great expense; that the demand smacked of military domination over Congress, and last and most important, that it was against republican principles, as it established a special privileged class in the community.

The arguments of Washington and those of his opponents were both good. The difference arose from difference of viewpoint, and the gist of the trouble, as in so many other critical situations in the Revolution, lay in the unwillingness of the

<sup>1</sup> *Journals*, xiv., 588, 610-13; Laurens's MS. notes.

<sup>2</sup> Congress.

<sup>3</sup> Partly erased, but apparently appeal.

<sup>4</sup> *S. C. Hist. Mag.*, vi., 104.

States to do what those who were in the field saw was necessary to bring the infant nation through the perils of its birth alive, no matter whether in strict conformity with what was proclaimed as republican theory or not. Congress did at last in deference to pleas from Washington which could not be ignored bring itself by the narrowest possible majority to vote half pay for life for every officer and eighty dollars bounty to every common soldier who served to the end of the war.<sup>1</sup> This was opposed by every New England man and by every South Carolinian present except Matthews. The sectional character of the division is striking and turned on the un-republican character of the plan. No man outside New England and South Carolina voted against it save one each from New Jersey and Pennsylvania. Even as it was, the amendment to vote the pay for only a term of years failed by a tie.

So narrow a victory on a question so deeply stirring the country could not stand. A compromise was reached on May 15th by a unanimous vote of the States (the negative being supported only by two men from New England) for half pay for seven years, in no case to be higher than the half pay of a colonel. Thus it stood until October 21, 1780, when Congress again made it for life. But the republican discontent in and out of Congress was extreme. Sick or wounded officers who retired under the benefit found themselves "become objects of obloquy."<sup>2</sup> The officers' distrust of the ability or sincerity of Congress to redeem its promises led to the threatening events in the spring of 1783 connected with the Newburg Addresses, which were only calmed by the firmness, moderation and patriotism of Washington.<sup>3</sup> By his influence the officers, in

<sup>1</sup> Sunday, Apr. 26, 1778, six States to five, with one divided. There are many votes like this on important questions, showing how impossible it would have been to carry on the war if the Articles had already been in force with their requirement of nine States voting for any measure of importance and of seven States for any question whatever save daily adjournments.

<sup>2</sup> Address of the officers in Washington's army, *Journals* (old) for 1783, 168.

<sup>3</sup> Washington's address to the officers is one of the noblest and most eloquent of his utterances and displays a degree of feeling very unusual

deference to republican sentiments, requested Congress to commute the half pay for life to full pay for five years. To this Congress agreed, March 22d. The soldiers were given bounty lands and the officers received six per cent. certificates, which had to await the inauguration of Washington as President to be cashed.<sup>1</sup>

Laurens shared fully the republican aversion to any provision beyond the regular salary during the continuance of the war. We must remember this was not a question of pensions for the wounded, disabled or needy, of which Laurens was heartily in favor,<sup>2</sup> but was a system of service pensions for all officers, rich and poor alike. It was similar to the civil list of a European sovereign, save that eligibility depended upon past services of a very meritorious kind, and the architects of our republic were unwilling to see such a system established. Moreover it was to include officers only, the common soldiers being discharged with an almost trifling land bounty in the West, and thus it threatened to set up a special privileged class. After purging the State of its most decided aristocratic elements by the expulsion of the Royalists, the men who had come to cherish a new democratic society did not propose to re-open the old paths of rank and privilege. The strength of this feeling and the conviction that matters of destiny were being fought out in these years by the turn which custom should then be given is exemplified by the clamor excited by so harmless a society as the Cincinnati; and, judging by the tendency of a not uninfluential class in our own times to associate some exclusive distinction with themselves on the sole ground that at least one of their many ancestors was in this way or that connected with the public service in the olden days, we are perhaps more indebted than we know to those who upheld these republican sentiments along with Henry Laurens.

Laurens, with his colleagues Drayton and Hutson, voted

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with him. It is found in his *Works*, viii., 560-3, and also in *Journals* (old) of Congress for 1783, 180-3.

<sup>1</sup> Hart's *Formation of the Union*, 106.

<sup>2</sup> Laurens to Washington, May 5, 1778, in MS. letters to Washington in Lib. of Congress.

against any compensation whatever besides ordinary pay during the war.<sup>1</sup> He stoutly objected to the army's domination over Congress. "'Tis a matter of indifference to me," he wrote to Duane, "whether the tyrant's name be George or Dick."<sup>2</sup> His argument in a letter to Washington is very strong:

I view the scheme as altogether unjust and unconstitutional in its nature, and full of dangerous consequences. It is an unhappy dilemma to which we seem to be reduced; provide for your officers in terms dictated to you, or lose all the valuable soldiers among them; establish a pension for officers, make them a separate body to be provided for by the honest yeomanry and others of their fellow-citizens, many thousands of whom have equal claims, upon every ground of loss of estate and health, or lose your army and your cause. That such provision will be against the grain of the people has been unwarily testified by its advocates, whom I have heard converse upon the subject. Indeed they have furnished strong ground for opposition against an immediate compliance with the demand. If we cannot make justice one of the pillars, necessity may be submitted to at present; but republicans will at a proper time withdraw a grant, which shall appear to have been extorted. Were I in private conversation with an officer on this point, I should not despair of fairly balancing every grievance he might suppose to be peculiar to the army, by instances of losses and inconveniences in my own property and person; and I count myself very happy compared with thousands, who have as faithfully adhered to our original compact.

Would to God gentlemen had followed the noble, patriotic example of their Commander-in-Chief. How superior are many of the gentlemen now in my contemplation (for I know many with whom I do not converse) to the acceptance of half pay, contributed to by widows and orphans of soldiers, who had bled and died by their sides, shackled with a condition of being excluded from the privilege of serving in offices in common with their fellow-citizens, bated in every House of Assembly as the drones and incumbrances of society, pointed at by boys and girls,—“There goes a man, who robs me every year of part of my pittance.” I think, Sir, I do not overstrain. This will be the language of republicans. How pungent, when applied to gentlemen, who shall have stepped from the army into a good remaining estate! How much deeper to some, who, in idleness and by speculation, have amassed estates in the war! I am most heartily disposed to distinguish the gallant officer and soldier by the most liberal marks of esteem, and desirous of making proper provision for all, who shall stand in need. I would not

<sup>1</sup> *Journals*, x., 373-4.

<sup>2</sup> Laurens to Jas. Duane, April 7, 1778. George III. or the “Tom, Dick and Harry” of a mob of soldiers.

except even some of the brave, whose expenses have been princely in extravagance, while they complained of insufficiency of pay.<sup>1</sup>

When it is remembered that Laurens heartily favored pensions for the wounded, disabled, and needy, and that the demand of the officers was for a lifetime pension for themselves alone, the common soldier being dismissed with an insignificant bounty paid in land, whatever may be our opinion on the expediency of granting the demands of the former, in the face of their threat to go home and allow the country to care for itself in the event of their being refused, we cannot feel our admiration of their patriotism elevated or fail to realize the force of the argument against thus setting up wide and permanent distinctions of class based, not on sacrifice and service, but upon rank alone.

In the summer of 1778 Laurens sent Washington a package of gold for the use of the army, consisting of two double and six single johannes, two pistoles, and eleven guineas, equaling about \$110.00.<sup>2</sup> Washington returned the money with thanks and in a second letter to Laurens the same day was able to acknowledge the receipt of five hundred guineas public money, very useful, he says, as in many instances the paper will not pass at all.

During the perplexity of these financial and military affairs, information arrived of England's plan of conciliation. News of Saratoga reached London December 2d.<sup>3</sup> The effect was most depressing. Lord Amherst, while refusing the command, advised the King that victory was impossible without an army of forty thousand men. War with France was momentarily

<sup>1</sup> Washington's *Works*, v., 384, n. Cf. a more detailed argument in Laurens to Gov. Wm. Livingston, Apr. 19, 1778, in Sedgwick's *William Livingston*, 273-6.

<sup>2</sup> The johannes (commonly called in the colonies a "half joe") equaled £1 16s. 2½d. The pistole equaled 16s. 2d. The custom of calling the johannes a "half joe" and the double johannes a "joe" easily causes confusion. Wharton, v., 430; *Jours.*, xiv., 839; New International Dictionary; Standard Dictionary.

<sup>3</sup> See Trevelyan, iii., 355 *et seq.*, for a brilliant account of the situation and conduct of England at this time.

expected. In this situation Lord North, to the stupefaction and disgust of his followers, deliberately surrendered the entire ground upon which the ministry had justified and carried on the war by proposing to repeal every act of which the Americans had complained and in addition to insure them against taxation, to guarantee never to change their governments without their request first made, to allow them all to elect their Governors, Judges, etc., besides other substantial benefits. A Parliament which had followed the dictates of King and ministry so far could only follow now. A commission consisting of Lord Carlisle, a rather gay young nobleman, William Eden, an Under Secretary, and George Johnstone, a man of some ability, formerly Governor of Florida and enjoying to some extent the confidence of the Americans, were at once dispatched with power to negotiate with Congress, the Commander-in-Chief, Governors, or others without stickling on forms, and to offer free pardon to great and small on the acceptance of reconciliation.

Lord North's new policy was indeed a revolution hardly less than that in progress in America; and had it been inaugurated three years earlier at the dictates of justice and wisdom instead of now under the stress of necessity, would have ranked its author high in the catalogue of empire builders, and the entire English-speaking world might to-day be linked in an Imperial Federation whose vastness, power, and effects on history tax the imagination. But the outcome only served to illustrate the fact that a great historical movement, as Professor Mace well says, cannot long be confined to the object with which it originates, and that an alternative rejected at the opportune moment is rarely available at a later stage.

On their arrival in Philadelphia the commissioners were dismayed to find that the British were about to evacuate the city, and they soon found themselves under the necessity of addressing Congress at its old headquarters. The result was a foregone conclusion, for Congress had, on April 22d, on hearing of the action of Parliament and ten days before news of the French alliance, unanimously resolved to hold no conference unless the commissioners should first "withdraw their fleets



and armies, or else, in positive and express terms, acknowledge the independence of the said States."

Laurens held that in appointing commissioners to meet those of England Congress should not confine itself to its own members or be influenced by claims of any particular State.<sup>1</sup> The standpoints of the parties being irreconcilable and secret corrupt intrigues being attempted from the British side, no American commissioners were appointed. Congress received the first communication from the commissioners by express from Washington on June 13th. Their letter was at once opened by the President and read as far as through the words "insidious interposition of a power which has, from the first settlement of these colonies, been actuated with enmity to us both, and notwithstanding the pretended date or present form of the French offers," when the reading was interrupted by a motion not to proceed further because of the offensive language towards the ally of America. The matter was postponed; but three days later the letter and accompanying papers and acts of Parliament were read and referred to a committee. On the 17th a reply was sent to the commissioners in terms of the resolution of April 22d.

One at least of the commissioners did not propose to leave their address unsupported by private appeals. Soon several members of Congress received from Governor Johnstone letters seeking by glittering bribes of money and royal appointments to gain their aid in reuniting the empire. An extract from one addressed to Robert Morris, June 16th, shows how insidiously it was sought to clothe treachery in the garb of virtue:

I believe the men who have conducted the affairs of America incapable of being influenced by improper motives; but in all such transactions there is risk, and I think that whoever ventures should be secured, at the same time that honor and emolument should naturally follow the fortune of those who have steered the vessel in the storm and brought her safely to port. I think Washington and the president have a right to every favor that grateful nations can bestow, if they could once more unite our interest and spare the miseries and devastation of war.

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<sup>1</sup> Laurens to Lowndes, May 1, 1778.

Similar general phrases in a letter of April 11th to Joseph Reed were followed up by the offer, made through a lady of their acquaintance, of £10,000 sterling and any office in the colonies which he might desire.<sup>1</sup>

From examination of every paper in the case and drawing of every inference from their contents, it appears that the idea sometimes entertained that Laurens was approached with offers of the same kind is absolutely groundless.<sup>2</sup> The commissioners indeed came prepared to attempt him on the slightest opportunity. On their departure for America, his wealthy friend and erstwhile merchant correspondent Richard Oswald, who was a man of weight with the government, put himself at the service of the ministry in order to influence his old friend the President of Congress, who, he said, though "rather a little enthusiastic in regard to matters of American privileges and pretensions," yet had in 1775 seemed "to express a sensi-

<sup>1</sup> *Journals*, xi., 771-3.

<sup>2</sup> But notice the reference to him in Johnstone's letter to Morris on p. 297. Although feeling it useless, I quote the most significant parts of Johnstone's and Laurens's letters:

Johnstone to Laurens, June 10, 1778 (private): "If you should follow the example of Britain in the hour of her insolence and send us back without a hearing, I shall hope from private friendship that I may be permitted to see the country and the worthy characters she has exhibited to the world, upon making the request in any way you shall point out."

Laurens wrote an answer, dated the 14th, which he decided not to send, in which he replied that until mutual confidence was restored, neither private friendships nor any other consideration could induce Congress to allow Gov. Johnstone to see the country.

Laurens sent these and all the other papers concerned, including the letters from Oswald and Manning, to Washington, with the remark, June 18th, "Governor Johnstone is too well hackneyed in the ways of men to trust his deep schemes within our reach."

"His private letter to me, by the bye is notwithstanding all his good sense, no proof of an infallible Judgement, (*sic*) I am sure it is one of his having mistaken his man."

Drayton collected all the papers in the case and published them in the *Pennsylvania Packet* of July 4, 1778, and followed them up on the 9th with a long public letter to the commissioners against their proposals. See also Stevens's *Facsimiles*, 75, and letters to Washington in Lib. of Cong.

ble attachment to the interests of this country."<sup>1</sup> His careful letter, brought by Johnstone along with letters from family connections, did not fail to arouse Laurens's suspicion that "there is some covert meaning."<sup>2</sup>

In harmony with the principle on which he acted in a number of other cases in which the exhibit of private papers was proposed, Laurens opposed the order passed July 9th that all letters from the commissioners or their agents, or from any British subject, on public affairs, be laid before Congress, and refused obedience, since, he says, "I could never consent to have my property taken from me by an order of my fellow citizens destitute of authority for the purpose." He continued, as before, to exhibit the letter to the members as individuals and placed it and his answer in the hands of Drayton, who was collecting materials to exhibit Johnstone's designs. He was one of the minority who voted against holding any further communication with the commissioners; but the majority preferred to exclude Johnstone only and leave the door open for negotiations with his associates.<sup>3</sup>

Finding their efforts with Congress fruitless, the commissioners sought the defection of the States individually. Failing in every attempt, they issued, October 3, 1778, an angry proclamation warning the rebels that, having spurned the proffered mercy of their gracious sovereign, they might now expect what their conduct merited, a war of desolation. After thus doing what they could to injure the cause of their master, they returned to England,<sup>4</sup> having verified Washington's prediction that "their mission will be ridiculously mortifying."

During midsummer of 1778 Laurens incurred the anger of Christopher Gadsden in the matter of the latter's resignation

<sup>1</sup> Oswald to Lord Dartmouth, March 12, 1778, in Stevens's *Facsimiles*, 2091.

<sup>2</sup> I have no clue to the nature of the letter from William Manning, John Laurens's father-in-law, though Laurens submitted it also to Washington.

<sup>3</sup> Laurens to Lowndes, Aug. 5, 1778; *Journals*, xi., 773, and Laurens to Washington, July 31, 1778, in transcripts in Carnegie Inst. for *Letters from Members of the Continental Congress*.

<sup>4</sup> Bancroft, v., 287.

following his dispute with General Howe.<sup>1</sup> In 1777, when General Howe had for six months been in command at Charleston, General Gadsden claimed the right to command. Howe offered to submit Gadsden's views to Congress, to which Gadsden agreed. But Howe, later erroneously understanding that Gadsden was satisfied, dropped the matter. Gadsden, conceiving himself treated with duplicity, submitted the matter to the South Carolina Assembly, which of course was entirely without jurisdiction in disputes between Continental officers. Politics were at the time extremely bitter, which doubtless contributed something to the character of the vote; and when the house refused by a large majority to enquire into the manner of his opponent's appointment, Gadsden, true to his impulsive nature, stripped off his badge of office upon the spot and going up to Howe, who declined to receive it, threw it into the General's hat.<sup>2</sup> The factional animosity of the time made the affair very gratifying to his opponents and added to Gadsden's mortification. In his own impulsive style he sought a vindication from Congress by sending in the resignation of his commission, on the presumption that his friends would demand an investigation of the cause of so prominent an officer's retirement. To his chagrin, the resignation promptly went through by a sort of general consent or acclamation without even being put to a vote, being accepted the more readily, as Gadsden surmised, from the unfortunate circumstance that Congress at the time considered itself affronted by threats of resignation from several other generals. The coolness of his ignoring only added heat to his anger, which he vented without the slightest warrant upon President Laurens, on the supposition that he must have presented the paper in an improper time or manner instead of exerting himself as the representative of his State to secure an investigation. As a matter of fact President Hancock presented the resignation before Laurens's election and no member commented except

<sup>1</sup>For an account of the Gadsden-Howe affair, see McCrady, iii., 305-8.

<sup>2</sup>Laurens to John Laurens, Sept. 30, 1777, in Laurens MSS. in L. I. Hist. Soc. "What follies spring from a sensible man," commented Laurens.

that some said, "Accept it; accept it," which was taken as the sense of the house without being put to a vote.

It is not surprising that Laurens, like the great majority, should have been favorable to Howe, independent of his old conflicts with Gadsden. Hearing that Gadsden "has, according to his custom, stabbed me in conversation and private letters," he wrote a full account of the proceedings in Congress to his critic's partisan, President Lowndes, with the request to "read every word of this to General Gadsden."<sup>1</sup>

William Henry Drayton, Gadsden's friend and follower, stood by him in the Assembly and after he entered Congress and at Gadsden's request sent him a copy of Howe's letter to Congress transmitting the resignation. This was said to have been the immediate occasion of the duel between the two officers in the summer of 1778,<sup>2</sup> by which Gadsden insisted on vindicating his honor. This being satisfied, he fired into the air and then apologized to his antagonist. He sent Drayton a letter of July 4, 1778, which he intended but did not request Drayton to use as his public answer to Howe in the hope that it would secure him a rehearing and reinstatement. Drayton, not unnaturally considering the letter a private account of a closed transaction, took no steps. Thus ended a farce-comedy immensely amusing to Gadsden's enemies and mortifying to him, in which his self-will, indiscretion, and impatience led him at every turn into blunders which showed how much less effective he was as a politician than as a leader of Liberty Boys.

The whole affair was interwoven with the contest between the radical and conservative forces which resulted in the victory of the former in carrying the Constitution of 1778, with its disestablishment of the church and closing the door to the last hope of reconciliation with England. Rather than sanction this final breach or the usurpation of authority by the Legislature in abrogating the existing instrument of government,

<sup>1</sup> Laurens to Lowndes, Aug. 5, 1778, and to Gervais, Aug. 7, 1778; McCrady's *S. C.*, iii., 305-8.

<sup>2</sup> John Wells, Jr., to Laurens, Sept. 6-11, 1778, in Laurens MSS. in L. I. Hist. Soc. This letter also gives a detailed account of the bloody riot between the French and Americans in Charleston in 1778.

John Rutledge resigned the Presidency, March 5, 1778, and after Arthur Middleton's declining the honor was succeeded by Rawlins Lowndes.<sup>1</sup> Lowndes's acceptance of the office and his attachment to Gadsden were said to "have gained him the enmity of that powerful family,"<sup>2</sup> which by their opponents is stiled 'the Family Compact.'" Hated by the conservatives, he soon found how difficult it was to retain the attachment of the radicals, who disliked his leniency to Tories, his economy, and his rigorous auditing of accounts against the public.<sup>3</sup> Laurens blamed Rutledge for resigning; but neither their friendship nor former political alignment interfered with Laurens's coöperation with his successor.

October 31, 1778, completed a year's service by Laurens as President of Congress. He had often expressed his approval of the clause in the Articles of Confederation forbidding a man to hold the office more than one year in three, and he accordingly offered his resignation. The next day, Sunday, he was shown a letter in Rivington's *New York Gazette* professing to be from an admirer, saying he was surprised to see Laurens at the head of such banditti.<sup>4</sup> This circumstance greatly embarrassed him. He had been extremely desirous of resigning the chair, but should he persist he might be supposed to afford the writer some ground for saying he had carried his point, and he was "averse to gratifying the enemy, who seem to have thrown the flattering letter" in his way as a temptation. If he retracted he would be "charged with vanity and versatility." On Monday the members gathered in a circle and Samuel Adams communicated their unanimous desire for him to serve until the Articles were adopted by all the States, or at least to continue to serve temporarily. Laurens expressed

<sup>1</sup> *S. C. and Amer. General Gazette*, March 12, 1778. The Chief Executive was called President under the South Carolina constitution of 1776.

<sup>2</sup> Rutledge.

<sup>3</sup> John Wells, Jr., to Laurens, Sept. 6-11, 1778, in Laurens MSS. in L. I. Hist. Soc. Notice that Lowndes, who temporarily shrank, with Rutledge and Laurens, from the extreme measures of 1775-6, afterwards returned to the more radical style of politics which had characterized him before the Revolution.

<sup>4</sup> The letter, copied from the *Royal Gazette*, is in the *Hist. Mag.*, x., 316.

his pleasure at being able to balk "his quondam friend" in the newspaper and acceded to the request of the members, but declined to approve a minute of the proceedings when such was presented by the Secretary, saying, "he had no anxiety for obtaining complimentary records."<sup>1</sup> The Journals thus con-

<sup>1</sup> Laurens MSS. in S. C. Hist. Society; Philanthropos' answers to some correspondents.

The respect felt for Laurens by his enemies is evidenced by the following from Jonathan Odell's satirical poem, "The American Times," written by this most able of all the Tory writers in America in 1779 and first published, perhaps, says Tyler, early in 1780:

"At length they're silenced! Laurens, thou draw near;  
What I shall utter, thou attentive hear!  
I loathe all conference with thy boistrous clan,  
But now with thee I'll argue as a man.

"What could incite thee, Laurens, to rebel?—  
Thy soul thou wouldst not for a trifle sell.  
'Twas not of power the wild, insatiate lust;  
Mistaken as thou art, I deem thee just.  
Saw'st thou thy king tyrannically rule?  
Thou couldst not think it—thou art not a fool.  
Thou wast no bankrupt, no enthusiast thou;  
The clearness of thy fame e'en foes allow.  
For months I watched thee with a jealous eye,  
Yet could no turpitude of mind espy.  
In private life I hold thee far from base—  
Thy public conduct wears another face.  
In thee a stern republican I view;  
This of thy actions is the only clew.  
Admit thy principles—could these demand,  
Could these give right, to desolate a land?  
Could it be right, with arbitrary will,  
To fine, imprison, plunder, torture, kill?  
Impose new oaths, make stubborn conscience yield,  
And force out thousands to the bloody field?  
Could it be right to do these monstrous things—  
Because thy nature was averse to Kings?  
Well, but a stern republican thou art;  
Heaven send thee soon to meet with thy desert!  
Thee, Laurens, foe to monarchy we call,  
And thou, or legal government, must fall.  
Who wept for Cato was not Cato's friend;

tain no suggestion of the incident. The termination of his presidential duties was destined to hinge upon much graver affairs than this.

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Who pitied Brutus, Brutus would offend.  
So, Laurens, to conclude my grave harangue,  
I would not pity, though I saw thee hang."

Tyler's *Literary Hist. of Amer. Rev.*, ii., 123-4.



## CHAPTER XXI

### THE DEANE-LEE MATTER AND LAURENS'S RESIGNATION AS PRESIDENT, 1778-79

**L**AURENS'S resignation as President carries us into the bungling "militia" diplomacy which so discredited and endangered the American cause during the first three years of the war. Silas Deane, the first regularly commissioned representative of the United States abroad, arrived in Paris to take up his duties as diplomatic and financial agent in France, July 7, 1776. Arthur Lee, a member of the famous American family of that name, was residing in London at the outbreak of the Revolution, and during the early months of the struggle corresponded from time to time with Congress on the state of affairs in England. When Jefferson, who had been elected along with Franklin and Deane to represent the United States at the French Court, declined to go abroad, Lee was elected in his place—one of the most unfortunate occurrences in the history of the Revolution. Lee was a man of integrity and energy, or perhaps more correctly restlessness, and such a high degree of the low order of talent necessary for writing interestingly unscrupulous slander as to have earned the sobriquet of the American Junius. His jealousy, suspicion, and hate made him the prince of marplots, and his egotism was so flourishing as to blind him to the ludicrousness of attempting to reorganize the entire foreign service for the convenience of himself, a person unsuitable for any diplomatic duties. In writing to his brother Richard Henry, after saying that Spain "is of all places the most disagreeable to my disposition," he continues:

There too I should be at a great distance from my brother, from intelligence with you, and from all political conversation; for a degree of indolence reigns there, that is almost inconceivable. My idea therefore of adapting characters and places is this:—Dr. F. to Vienna, as the first, most respectable, and quiet; Mr. Deane to Holland; and the Alderman to Berlin, as the commercial department; Mr. Izard where he is; Mr. Jennings at Madrid, his reserve and circumspection being excellently adapted to that court. I mean Edmund Jennings, whom you know, whose real abilities to serve may be relied on. France remains the centre of political activity, and here therefore I should choose to be employed.<sup>1</sup>

Three months later, in again urging his program, he says: "If this scheme can be executed it will disconcert all the plans (of his enemies Franklin and Deane) at one stroke, without an appearance of intention, and save both the public and me."—"And me," let it be remembered. Nor did this soldier of the common good hesitate to urge his astounding game of move-kitchen-furniture after he had charged Deane, for whom he was arranging the important post of Holland, with dishonesty.<sup>2</sup>

What might have remained a private affliction was enlarged into a public misfortune by the fact that Arthur Lee belonged to a group of four brothers, one of whom, William, was also in Europe, and two of whom, Francis Lightfoot and Richard Henry, were influential members of Congress and, like him, had the confidence and unwavering support of the Adams following.

Deane no sooner arrived in Paris than he incurred the jealousy of Lee, who saw his ambition of playing the sustainer of the infant republic about to be eclipsed. Deane was a man of strong self-esteem and unaccommodating manners. In several respects his conduct was lacking in judgment; nevertheless, for almost two years he performed services of the utmost value to his country by getting into the United States large quantities of indispensable military supplies. He went out before our recognition by any European power under instructions to maintain the character of an American merchant, and on this ground justified himself in trading on his

<sup>1</sup> Arthur Lee to R. H. Lee, Oct. 4, 1777, in *Life of Arthur Lee*, ii., 115. Dr. F. is Franklin; the Alderman, William Lee.

<sup>2</sup> *Ib.*, ii., 127, 134, 137-8.

own account as a blind. Arthur Lee was soon writing home that Deane ignored him, kept his dealings a mystery, and used public money in his own ventures; and in consequence, December 8, 1777, Deane was recalled. The words employed, however, in bidding him return, with malicious cunning concealed the reason and object of the summons. His enemy Lovell, of the Committee on Foreign Affairs, who framed the resolution, wrote the following account of his achievement to Richard Henry Lee:

The day after you left York, I moved Congress for an Order in the following words. "Whereas it is of the greatest Importance that Congress should, at this critical conjuncture be *well* informed of the State of affairs in Europe, and whereas Congress have resolved that the Honble. Silas Deane Esqr. be recalled from the court of France and have appointed another Commissioner to supply his place there.

Ordered That the Committee for foreign affairs write to the honble. Silas Deane, and direct him to embrace the *first opportunity* of returning to America and upon his arrival to repair with all possible dispatch to Congress.

Continuing he thus describes his communication of the resolution to Deane:

I spread a small Plaister for a large wound myself by the following:  
Sir

By accident I find myself called upon singly to execute the duty of the Committee for foreign affairs, in communicating to you an order of Congress of this day respecting your return to America.

The order stands in need of no comment from the Committee to elucidate it; and, being drawn in terms complimentary to your abilities of serving these United States upon your arrival, I take pleasure in conveying it, being

Sir

your very humb. Servt.<sup>1</sup>

A large wound indeed it was; a well-nigh fatal wound, from whose effects poor Deane's reputation is hardly yet resurrected.

Deane received notice of his recall in Paris, March 4, 1778,

<sup>1</sup> James Lowell to R. H. Lee, in Lee Papers in Univ. of Va. Lib.; transcript in Carnegie Institution for *Letters from Members of the Continental Congress*. Cf. Wharton, ii., 444; *Jours.* for Dec. 8, 1778.

and left on the 30th for Toulon, whence he sailed April 10th with Count d'Estaing's fleet. July 10th he informed Congress of his arrival the day before in Delaware Bay.<sup>1</sup> Though he came with a lively sense of the welcome which his services deserved, a soberer consideration would have reminded him that there was ample room for apprehension. He had harassed and embarrassed Congress by engaging numbers of French officers, many of whom had to be turned away on their arrival, and had even gone so far as to recommend that the Duc de Broglie be made Commander-in-Chief. Their partisan espousal of Arthur Lee made the most powerful and compact group in Congress his inflexible enemies and the minds of others were colored in his disfavor. Yet he was not without defenders of the highest character, notably John Jay and Robert Morris.

The agitation which had been stirred for the months previous by Lee, seconded by Ralph Izard,<sup>2</sup> had aligned almost every member for the conflict which was foreseen. "I can only deplore their impolitic, and, I was going to say, schoolboy,

<sup>1</sup> Wharton, ii., 643. Bancroft says, v., 284, that the fleet arrived July 8.

<sup>2</sup> The rather excitable and self-esteeming Mr. Ralph Izard, of South Carolina, to whom we have found Laurens some years previously complaining of men of his sort, gentlemen of leisure who neither managed their own affairs nor understood how to value the services of those who did it for them, was in Europe when the Revolution began. Congress appointed him to the Court of Tuscany, but as the Grand Duke would not commit himself by receiving an American minister, he remained in Paris, where his espousal of Lee and his meddling and jealousy towards Deane and Franklin added to the confusion of the amateur diplomacy of the period. Laurens was inclined towards him as a fellow South Carolinian and one opposed to Deane, but does not appear to have esteemed his ability. In the Laurens Papers is a parody of his letters very cleverly exposing his conceit and factiousness. (Printed in Wharton, i., 591, in Moore's *Materials for History*, ii., 86, and also in the Deane Papers.) Whether Wharton's statement that it is by John Laurens since in his handwriting, is his own or repeats someone else's opinion, I must say that the idea appears to me impossible. The copy in the Pennsylvania Historical Society is as clearly in the hand of Henry Laurens's secretary, Moses Young, as any paper could be; but this by no means proves Young the author. Whether Wharton or his guide mistook this for John Laurens's hand or whether John also made a copy for his father is immaterial. There is no circumstance to connect the paper with

jarrings," Laurens wrote in unpleasant anticipation.<sup>1</sup> The "jarrings" were promoted by two circumstances: First, Congress had been sowed down with suspicions of the gravest character by Arthur Lee; and secondly, Deane professed to have understood that he had been summoned primarily to report upon political conditions abroad and to have hurried home without waiting to collect the numerous widely scattered papers necessary for a full and final settlement of his commercial transactions; whereas his opponents maintained that he should have attended to this latter, even though he had had to delay his return. We may thread our way through the confused months that followed by tracing the debates upon two questions. First, Should Deane report orally or in writing? Second, What steps should be taken to settle his accounts so as to reveal the truth of the charges of defalcation or vindicate his character and secure the payment of the large balance which he claimed as his due?

As to the method, Deane's friends favored an oral report; but his enemies sought to prevent this, as it was sure to involve inaccuracies, uncertainties and disputes. "Here is a field," wrote Laurens, "without limits for oratory and wrangle and finally for mutual dissatisfaction. I have troubled your Excellency thus minutely because the subject is not minute."<sup>2</sup> Congress, nevertheless, at the earnest solicitation of Deane's friends, says Laurens, "and from motives which cannot be effaced from the remembrance of those gentlemen who were then present," consented, August 15th, to hear him orally. Accordingly on the 15th, 17th, and 21st, he was before the house, when the proceedings were interrupted by an examination of charges of corruption against him by Mr. Carmichael. Now began the protracted delays in which Deane became the football in a pitiful game of personal and factional politics which sadly neglected considerations of justice and public wel-

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him. I cannot understand how anyone could consider John Laurens the author when his father endorsed the performance, "Traits of the Infamous Practices of Party in Congress."

<sup>1</sup> Laurens to Washington, June 8, 1778.

<sup>2</sup> Laurens to President Lowndes, Aug. 11, 1778.

fare. His attendance was postponed from time to time, until, losing his patience and deeply wounded at being received in this manner when he had expected an ovation for his services, he stated his case through the *Pennsylvania Packet*, December 5, in an appeal to the "Free and Virtuous Citizens of America."<sup>1</sup>

Deane's newspaper article revealed the quarrels that had occurred between the commissioners in Paris, which he laid to Arthur Lee, and charged that Congress had shut its ears to him and denied him justice. This appeal, though violating propriety, secured attention; for Congress immediately voted to allow him time to prepare a written report of his transactions; "which," says Laurens, "if I understand anything of public business, ought to have been completed and ready for presentation before he landed upon the American shore." Though Laurens had striven in August to require the report in writing, he now, after reading Deane's article, opposed that method, since it would give him the opportunity of making his "slanders" against his colleagues matters of record. Deane's report was, nevertheless, read, December 22d, 23d, and 31st, when he was given indefinite leave without any indication of when he might expect either condemnation, vindication, or the payment of the large amounts which he claimed were due him in his commercial transactions for the public.

President Laurens almost immediately after entering Congress had formed an unfavorable opinion of Deane's ability,<sup>2</sup> and many causes had since contributed to a similar view of his character. Laurens misunderstood Roderique Hortalez & Co., disliked the methods of Beaumarchais and supposed that he was in some sort Deane's partner. His ties with the Adamses and Lees were very strong; and besides his admiration for Arthur Lee, whom he seems to have met in England in 1771-4, as a defender of American rights, he had personal reasons for attachment. Only a few months before the present matter Lee had written him from Paris of a touching kindness he had performed in arranging to receive and transmit to

<sup>1</sup> A thousand copies of his article, intended to be the first of a series of articles, he had struck off as handbills.

<sup>2</sup> Laurens to President Rutledge, Aug. 12, 1777.

Laurens's gallant son the letters of his young wife in England.<sup>1</sup> Though Laurens never sunk to the partisan depths that discredited some of his colleagues, I cannot escape the conclusion that his conduct in the Deane-Lee matter was influenced by these circumstances.

On Deane's return from France, President Laurens heard him go over his affairs in a two-hour private interview, at the conclusion of which he told him that he believed him, as he made his statement upon his honor;

but [Laurens continued] from my youth I have in such cases as these been governed by the maxim, *hear the other party*; therefore you will excuse me for delaying a final opinion. Another thing, Mr. Deane, I must say, for I flatter no man; I think you ought to have brought your accounts. You could never hope for a better opportunity.<sup>2</sup>

According to Deane's narrative, he presented a signed statement from Grand, the commissioners' Paris banker, of all funds spent; but Grand could not part with the original vouchers until a final accounting. Nevertheless, Mr. Laurens considered, he himself tells us, that a man who had disbursed about £250,000 sterling and had come to America with a very strong French convoy, before the opening of hostilities between France and Great Britain, had no excuse for coming without accounts and vouchers.<sup>3</sup>

The position in which Laurens represents himself on Deane's arrival did not continue long. His always strict demand for exact business methods in accounting and in filing papers could not excuse Deane's negligence; the constant rumors and not infrequent proofs of corruption in public servants prepossessed his mind, and Arthur Lee's reiterated charges, combined with an apparent reluctance of Deane's advocates to

<sup>1</sup> Laurens to John Laurens, July 5, 1774, in *S. C. Hist. Mag.*, iv., 219; A. Lee to Henry Laurens, April 4, 1778, in *Life of Arthur Lee*, ii., 141.

<sup>2</sup> Laurens's statement in Laurens MSS. in *S. C. Hist. Soc.*

<sup>3</sup> *Deane Papers*, v., 355, and Laurens's MSS. Deane says President Laurens received him cordially and only later joined his enemies. The cordiality was doubtless no more than the courtesy of which Laurens frequently speaks as demanded by his position towards other government representatives even though personally distasteful to him.

meet the issue squarely, convinced him that the man had been dishonest.

Keeping all this in mind and recollecting Laurens's keen sense of his own dignity and of that which Congress should maintain, we can readily understand that he would consider Deane's appeal to the public while his case was pending before Congress, as well as the language used, an affront not to be overlooked. "I had antecedently to the appearance of Mr. Deane's insult," he wrote President Lowndes, "been exceedingly chagrined at the tame submission of the great Representative of the United States to the most gross affronts." Brigadier General Thomson, he says, had in a public coffee house called Congress a set of rascals and had particularly applied the term to Mr. Drayton, who was present. Then came Deane's insult. In reply to that Laurens moved that a committee be appointed to report upon the article and that Congress refuse him further audience until hearing from its committee. But Congress, as narrated above, shamed for its delays, felt constrained to put justice before dignity; an amendment "that the printed letter be read" was voted down by a majority of one State, and Laurens's original motion was quashed by calling for the order of the day.

Irrespective of the propriety of Deane's entering the press, Congress was in a poor position for criticizing, as he who claims equity must come into court with clean hands. Mr. Laurens appears to have been too much concerned about dignity and consideration for Arthur Lee to see with a clear eye, and we could wish that his declarations repeatedly made during the following months of his willingness to recall Lee to confront Deane had earlier taken shape as a policy to be pushed to accomplishment to the disregard of all secondary issues. But now dignity was his game, and he determined to play it on a high line. Reflecting upon the refusal to call Deane to account, he was only confirmed in his disgust at tame submission to insult and determined upon a very pointed protest. "Failing," he writes, ". . . to rouse Congress to the vindication of their honor, I felt for my own and resolved to descend from the chair to the floor, where I could be of the most real service to



my country." Accordingly, two days later, on Wednesday, December 9, 1778, he rose in his place as President immediately after the house came to order and in a carefully written speech reviewed the circumstances since the appearance of Deane's article, concluding with this severe rebuke:

Finally, gentlemen, from the considerations above mentioned, as I cannot consistently with my own honor, nor with utility to my country, considering the manner in which business is transacted here, remain any longer in this chair, I now resign it.<sup>1</sup>

He could not omit the closing sentence of his speech, Laurens wrote a few days later, "because I was persuaded good consequences would follow the strong reproof and perhaps continue at least a fortnight."

We can readily believe Jay that Congress were disgusted. They ordered an election for the next day and immediately adjourned. On reconvening his friends tried to replace him, but that failing, one moved (to return to Laurens's own narrative) "for thanks to the late President. He was jockeyed by 'the manner in which business is transacted here,' and this repeated daily until" December 15th, when Laurens, as he himself tells us, "modestly demanded a testimonial of my conduct, intimating the honor and interests of Congress and the States were as nearly concerned as my own," "that I held my act of resignation to be the best act of my life; that if any gentleman had taken offense at the concluding words, I had to say in apology that I did not mean to give the occasion &c &c." He then retired and Congress, without a division,

*Resolved*, That the thanks of this Congress be given to the Hon. Henry

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<sup>1</sup> The speech is printed in full in the new edition of the *Journals*, xii., 1203-6. Until a copy was found among the papers of Bishop Ettwein and published in the *Pennsylvania Magazine of History and Biography* in 1889, vol. xiii., pp. 232-6, it was nowhere accessible in print or known to scholars in MS. It is in Laurens MS. letters 1777-82, p. 240.

What basis Bancroft had (v., 293) for saying that "Laurens retired from the office of President of Congress in the expectation of being appointed to negotiate a loan in the Netherlands," I cannot imagine. Doubtless merely confusion with later events.

Laurens, Esq., late President, for his conduct in the chair, and in the execution of public business.\*

Thus, by a strange mutation of circumstances, the same President who declined to sign the minutes until certain complimentary passages were deleted is found within a little over two months, for the sake of his good fame, extracting from that same body a formal vote of thanks by a process suggestive of the extremest resources of the dentist's art. He plumed himself that this comprehended an endorsement of his "sundry reasons" for resigning—a view which is reflected in his remark to Congress that their honor and that of the States was as much concerned as his own; but few indeed would share this view. Seven months later he still declared that his resignation was the greatest act of his life. It is true that he had put himself on record as condemning slipshod methods of dealing with a public servant whom he considered to have been guilty of careless administration, and he feared of worse, and had maintained his own dignity as President. If he had carried with even balance the other duty of securing with equal zeal a prompt hearing and strict justice for this accused public servant during the long months of delay which provoked his indiscretion and also during the months which were to follow, we might admit the glory with which he considered that he had covered himself. But rather is the reflection forced upon us that his course must have served to accentuate the already bitter factional animosities and render him in particular still less capable of judging with impartial mind. His act, therefore,

\* Almost verbatim the same as the resolution of thanks to Jay, except that in the latter case the words, "in testimony of their approbation" precede "of his conduct in the chair." Wharton, with his usual carelessness about Laurens, states that Congress did not pass any vote of thanks to Laurens and enters upon surmises as to the reason for this imaginary fact. (See *Diplomatic Correspondence*, i., 581, n.) My authority, besides the Journals of Congress and the few minor citations noted, is the Laurens MSS., particularly Laurens to President Lowndes, Dec. 16, 1778, and other letters of the immediate period. Jay is authority for the statement that Congress were disgusted and that an effort was made to replace Laurens in the chair. (See Pellew's *Jay*, 110.)

the outcome of the most creditable instincts when distorted by the passions of conflict, takes high place in the series of events which with the most cruel injustice blasted the name and crushed the life of one of the most valuable servants in accomplishing our independence.<sup>1</sup>

Laurens had proved an eminently satisfactory officer in the position which he now resigned. He was equipped with natural talent, long and varied training, and a keen sense of personal dignity and the respect due to Congress and his office. "I think him a very sensible, judicious man, acquainted with the world, and makes an excellent President," wrote Josiah Bartlett.<sup>2</sup> Probably no President under the Confederation was more efficient in attending to his duties. He was full and frequent in his official correspondence. As Lovell expressed it in answering an official who complained that he was not kept posted on public affairs by Jay's few and brief communications, the former President was fond of his pen

<sup>1</sup> As illustrative of the bitter prejudices in the Deane-Lee affair, in addition to Laurens's plentiful reflections upon the sincerity of his opponents, take the following from John Adams:

The failure of Congress to censure Deane for his article amounted to "a dissolution of the Confederation" (Sumner, i., 222, quoting Adams, iii., 191); and this eminent Puritan statesman recorded in his diary, Feb. 8, 1778, that it was "the most wicked and abominable production that ever sprang from a human heart. He appeared to me in the light of a wild boar, that ought to be hunted down for the benefit of mankind. I have given him up to Satan to be buffeted." (Quoted in Clarke's *Deane*, 154.)

Richard Henry Lee corresponded freely with Laurens on the Deane-Lee matter. His bitter taunts and intolerant fury deprive the letters of all charm or profit. Francis Lightfoot Lee allowed himself to denounce William Henry Drayton as "turbidus, inquietus, atrox," which he translated as "foul, restless and wicked," for no better reason than that Drayton had the good sense to oppose the folly of placing Arthur Lee in a diplomatic post where his conduct had closed every door to his usefulness; and Richard Henry Lee added that no glove ever fit a hand better than did those epithets the "Catilinarian" character to whom they were applied. (Richard Henry Lee to Laurens, Sept. 5, 1779, in Laurens MSS in L. I. Hist. Soc.) Such passages at least show how much less dominated by his prejudices Laurens was.

<sup>2</sup> Josiah Bartlett to William Whipple, June 20, 1778, in MS. transcripts in Carnegie Inst. for *Letters from Members of the Continental Congress*.

and plied it early and late.<sup>1</sup> He was three or four times as voluminous as Jay or Huntingdon.<sup>2</sup> Well might he ply his pen early and late, for he was among the gifted letter-writers of the period, and his clear, easy, yet animated and forceful style lent itself readily to his purposes.

The qualities that made Laurens a good President for facilitating business sometimes led him into undignified behavior in his brusqueness, tartness and impatience with whatever appeared stupid or unworthy. This is seen in a complaint which he lodged with Congress, August 31, 1779, against Secretary Charles Thomson and the incidents stated in Thomson's reply.<sup>3</sup> Laurens accused Thomson of insolently refusing him while President copies of the minutes; of insolently refusing to supply him as President with good drafts of certain badly written papers for the mail; of refusing to allow him to have a copy of an ordinary printed act of Parliament and afterwards allowing others to carry away even secret papers; and of treating him with such rudeness in snatching from his hand a copy of the minutes he had taken up as a representative of South Carolina that Laurens threatened to kick him. Thomson doubled his fist and said, "You dare not"; and only the time and place prevented the President from applying his foot to the appropriate part of the Secretary's anatomy as promptly as he had put his hand to the nose of the Charleston customs officer when he was about ten years younger. For these abuses of power in office and affronts to Congress, as Laurens called them, he hoped the house would do "justice to its members."

To all these small matters Thomson returned an answer

<sup>1</sup> I thank Prof. Edmund C. Burnett of the Carnegie Institution of Washington for this quotation.

<sup>2</sup> In the MS. letter books in the Lib. of Cong., Jay's and Huntingdon's presidential correspondence each fills 19.9 pages a month, with large spaces between the lines. Laurens's fills 44 pages a month much more closely written.

<sup>3</sup> *Journals*, xiv., 1008. Laurens's paper is to be found in the MSS. of the S. C. Hist. Soc. It has been published in Potter's *American Monthly*, vi., 172, and Thomson's reply in vi., 266, perhaps from the MSS. of the miserable little affair in the Hist. Soc. Penn. Col.

which appears to have been satisfactory to Congress and certainly is sufficiently so to me to justify my omitting it with endorsement.<sup>1</sup> He then proceeded to detail several interesting exhibitions by President Laurens calculated to undermine his character as a fair and courteous official. Laurens at least on one occasion, he says, rose in his place and made a speech in debate. Considering that Congress often had less than a dozen members present and as Laurens was not unlikely on this occasion, as he was for months, the sole representative of his State, we may excuse him this informality. But there was worse than this; Thomson avers that he saw the President "so far forget himself as to answer from the chair an honorable member from North Carolina by singing aloud, 'Poor little Penny, poor little Penny; Sing tan-tarra-ra-ra,' and that another time when he was reading a report brought in by an honorable member from Massachusetts Bay, which was under debate, he stopped in the middle of a sentence and exclaimed: 'Solomon Grundy! Did you ever see such a Solomon Grundy?' which raised such indignation that the honorable member left the room, and soon after Congress adjourned."

We are indebted to Secretary Thomson for affording us these glimpses of President Laurens in his lighter moods. I am rather glad he said these things. "Poor little Penny" and "Solomon Grundy" were very much in evidence, and it was very well to have a President who let them know they were recognized, provided he identified them correctly. The whole affair died in committee, as was also very proper.

Laurens's resignation brought Congress to a decision regarding the expenses of their President. On December 16th, John Hancock, Henry Laurens, and the heirs of Peyton Randolph

<sup>1</sup> The explanation surmised by the editor of Potter's *American Monthly*, that Laurens unwittingly fell into the manner of the Southern slave master, sounded better in 1876 than it would have in 1778, when slave masters were found from one end of the Union to the other. While it is not improbable that the style of the society in which Laurens had been reared had its influence in prompting him to this conduct, still, men who never saw a slave have threatened—even given—kicks and blows, due largely to their personal temperament. Probably the very irritating effect upon the temper produced by the gout had a part.

were requested to present a bill of their expenses for supporting their households while in office, and it was ordered that in future a residence, table, carriage, and servants be provided, with a steward over all, at public expense. Laurens's expenses during the thirteen months of his Presidency amounted to £1000 sterling, 40 guineas gold, and \$4000 continental money, exclusive of house rent, servants, horses, fuel, lights, stationery, a pipe of wine, etc., a large part due doubtless to the entertainment necessary to his position. He protested against their being paid by the public, but Congress overruled him, though it did yield to his insistence so far as to reduce the amount one-third.

With shame I confess it to be altogether anti-republican and inconsistent with the circumstances of the distressed state of America [he wrote the Auditor General in submitting his accounts]. Had I known I had been living at public expense, my conduct should have been governed by different rules and principles.<sup>1</sup>

Time proved that he might have spared himself this shame and without much cost have gained the glory of steadfastly having refused to be reimbursed at all; for though Congress "pretended to pay" him £2000 sterling, the continental currency he received as its equivalent equaled less than \$800 in silver, *i. e.*, something under one-twelfth of what it was supposed to represent.<sup>2</sup>

On the failure of Laurens's friends to replace him in the chair, it was agreed to give the presidency to New York. The delegates from that State proposed General Schuyler, but Jay consented to allow himself to be elected to hold until the other should arrive—an event which did not occur until after Jay had been sent upon a foreign mission and the presidency passed

<sup>1</sup> Laurens to John Gibson, Esq., Auditor General, Jan. 21, 1779.

<sup>2</sup> Laurens to Young, June 14, 1787. November 6, 1779, the *Journal* contains entry that the Treasurer is ordered to pay Laurens \$52,284 for his household expenses as President; but the item is marked through. Six days later it records that he had been paid \$35,000, the preamble of the report stating that the amount previously allowed had been reduced agreeably to Laurens's request.—*Journals*, xv., 1243-4 and 1259-60. This would indicate, by comparison with Laurens's statement of the value as less than \$800 that the continental paper had then sunk to about 44 to 1.

to another State.<sup>1</sup> The choice was indicative of the failure of Laurens's resignation as a protest; for he seems to have detested the New York delegates in general, and Jay was one of the chief friends of Deane. One of the lamentable features of this quarrel was the estrangement it drew between two such upright patriots as Laurens and Jay. The former resented what he considered the latter's prejudice as President against Arthur Lee and on one occasion secured the reversal by the house of a ruling unfavorable to his friend. So distant were their relations that Laurens replied to a request that he secure a recommendation for someone from the President, "Ah! but I am not acquainted with Mr. Jay."<sup>2</sup> He nominated and strongly supported John Adams in 1779 as peace commissioner against the New Yorker, and in seeking to carry his colleague from South Carolina, Mr. Mathews, with him "candidly and honestly declared to him such exceptions against M(r). Jay as neither himself nor any man could remove"; and this keen judge was in this matter so blind to the qualities of men that he bemoaned that "Mr. Lee will be, as 'tis intended and expected, superseded by Mr. Jay, an avowed and inveterate enemy. God's will be done."<sup>3</sup> There is some satisfaction in noticing that after escaping from the confines of Congress Laurens was liberal enough to suggest to the Committee on Foreign Affairs that part of the proceeds of the cargo of indigo which he was shipping to Europe for his own support while abroad "may be very acceptable to Mr. Jay, or other gentlemen in the service of these States abroad." While in Paris they dined with each other and visited; but it is also true that while his references to Adams and Franklin during their association as peace commissioners are numerous and expressive of high esteem, he rarely mentions his other colleague. Jay's cold, brief notice of his predecessor's resignation as President indicates that the dislike was reciprocal.<sup>4</sup>

<sup>1</sup> Duane to Schuyler, Jan. 3, 1779, etc., in transcripts in Carnegie Inst. for *Letters from Members of the Continental Congress*.

<sup>2</sup> Laurens to John Laurens, Apr. 18, 1779, in *S. C. Hist. Mag.*, vi., 140.

<sup>3</sup> Laurens to John Laurens, Sept. 27, 1779, in *S. C. Hist. Mag.*, vi., 154-5.

<sup>4</sup> Pellew's *Jay*, 110. Laurens in his pamphlet against Jennings speaks of

Again on the floor as a private member, Laurens devoted himself particularly to commercial affairs, for which he was fitted by his training.<sup>1</sup> But to return to the Deane matter, out of which the resignation sprang. Deane read his narrative, as already stated, on December 22d, 23d, and 31st, 1778. Disregarding for the time being the chronological relation to other events, we may pursue the subject to its conclusion. The points of controversy now were: Should Deane be detained and Arthur Lee summoned in order that each might sustain the charges made against the other and repel those against himself; second, Should Congress settle Deane's accounts and so either establish the charges of defalcation or vindicate his character and pay him the large sum to which he laid claim?

Let us first dispose of the question of recalling Arthur Lee. Lee's charges of criminal dealings with the public money (not to speak of his less serious assertions) were the origin of the trouble, and certainly it would seem reasonable, even necessary, to summon him to present his evidence. The Lee faction denounced this proposal to drag their favorite across the ocean, deprive him of the honors of a diplomatic station, and subject him to the risk of capture as persecution, and even though it meant the destruction of Deane in reputation and fortune, they were determined to ward these hardships off their protégé. The reorganization of the diplomatic service was in progress in the spring and summer of 1779, and the friends of Lee, hardly hoping that their effort to displace Franklin would succeed, pushed him, on Laurens's nomination, for the court of Spain.<sup>2</sup> It was rumored that he lacked the confidence of both the French and Spanish courts, a circumstance which, if true, made his recall a necessity; but this only stiffened Laurens's support, as he attributed any unpopularity in those quarters to Lee's rigorous defense of the interests of the

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sitting with friends at Jay's home in Paris, and in a letter to David Hartley, April 26, 1783, in the *L. I. Hist. Col.*, he speaks of having Jay to breakfast.

<sup>1</sup> Laurens to President Lowndes, Dec. 16, 1778.

<sup>2</sup> Laurens did not vote for the recall of Franklin, however, as Sumner's erroneous statement that South Carolina (confusing her with North Carolina) did would lead one to suppose.



United States in contrast with Deane's complaisance towards France. Any reports to Lee's discredit he attributed to misrepresentation by Deane and Beaumarchais.<sup>1</sup> In order to refute the rumor of Lee's unacceptability, Samuel Adams secured from Gerard, the French representative in Philadelphia, a statement that his government had not adopted the view that Lee was hostile to the French alliance and anti-Gallican. Gerard later told Laurens that investigation by his court had proved the rumors of this character to be perfectly groundless.<sup>2</sup>

Relying upon this negative certificate of character, which plainly did not meet the issue, Adams stated in Congress on April 15th that he had the highest authority for believing that Lee possessed the full confidence of the French court. While this might perhaps be defended as not positively contrary to truth, still it amounted to a misrepresentation of Gerard and a deception of Congress. The Frenchman had not expected such a positive turn to be given to a negative statement, and on hearing of it, hastened to Laurens, who had approached him on the same subject, but had perceived that he could derive nothing to Lee's advantage, to say that he would be sorry if Mr. Adams should force him to speak out.<sup>3</sup> A number of members could not resist the temptation to apply to the one great source of information.<sup>4</sup> Among these were Paca of Maryland and Drayton of South Carolina. These gentlemen having understood plainly from Gerard that Lee was unacceptable at Versailles and Madrid, read in Congress on April 28th a paper to this effect in rebuttal of Samuel Adams's statement, which Adams, narrow, self-righteous partisan that he was, sought to keep off the *Journal*. A reso-

<sup>1</sup> Deane, after being attacked by Arthur Lee, accused him before Congress of quarrelsome, violent, and indiscreet conduct which lost him the confidence of the French court and threatened the success of the American negotiations in Europe.

<sup>2</sup> Laurens MSS.

<sup>3</sup> *Ib.*

<sup>4</sup> See particularly the very full and unfavorable statement regarding Lee given Burke and Nelson by Gerard among MSS. of the N. C. Hist. Commission, of which the Carnegie Institution has a transcript.

lution by Paca and Drayton to apply to Gerard for information on the subject was debated but not carried, and they doubtless concluded that unless bold, prompt action were taken, the serried ranks of the faction controlling a majority of the States, though a minority of the members, would refuse to allow the ears of Congress to be opened to the truth and would rush their favorite to victory under cover of a beclouded issue.<sup>1</sup>

But there was one young man at least in the opposition who, if overborne in such manner, would be overborne for the first time, and with him was associated another of very much the same stamp: Drayton of South Carolina and Paca of Maryland. Being convinced that the highest interests of the United States would be jeopardized by Lee's presence at either court, they took upon themselves to secure full and indisputable information of his true standing. They went immediately to Gerard, and on the last day of April spread before Congress the result of their interview. This application to the minister while the question of consulting him was still before Congress, Laurens with very poor grace denominated as "infamous"; but it is certain he would not have judged it so harshly had not the statement of M. Gerard supplied the amplest confirmation of the position of Paca and Drayton and cut the last ground from beneath the feet of himself and Samuel Adams; nor does it appear that he held his own and Adams's interviews with the French minister to have been immoral, nor that he repudiated Adams's public use of his information in support of their cause for the purpose of misrepresentation. Moreover, though touching a much more serious matter, still Paca and Drayton's course was not greatly different from Laurens's own conduct in informing Tom Paine of a vote of Congress on his case when his expulsion from office was pending in the preceding January before its final disposition—an act which occasioned much displeasure.<sup>2</sup> Mr. Laurens, good man that he was, had quite a streak of

<sup>1</sup> All which shows that only the *name* of the political "steam roller" is of recent invention.

<sup>2</sup> *Journals*, xiii., 37; Laurens MSS.

self-righteousness and quite a stock of acid adjectives for those who differed with him. The act of the gentlemen from Maryland and South Carolina was exactly of a piece with Mr. Drayton's direct, bold character, and the paper in which they made their report is in his handwriting, with his name signed last and may well have been his composition, a suspicion which is strengthened by the great severity of the comments upon Drayton in Mr. Laurens's private notes.<sup>1</sup> The already bad relations of the two South Carolinians, confirmed by this, filled much of the few remaining months before death removed from his sphere of usefulness one of the boldest, most brilliant, and effective leaders in the history of the Revolution.<sup>2</sup>

Paca and Drayton had done their work. The title of "Commissioner for the Spanish Court" remained attached to Lee's name, but after this to order him to Madrid was impossible. Four days after Paca and Drayton's communication a motion to recall him failed by a tie vote of the States, though the individual voices stood 22 to 14 against him. The alignment was strikingly sectional, but in the opposite way from which one might expect. Save only Laurens, the entire representation south of Delaware and Pennsylvania voted against Lee<sup>3</sup>; Delaware and Pennsylvania were equally divided, and outside New York, every Northern man but three went solidly for him.

Laurens, true to his motto of "*Audiam alteram partem*," now adopted a course which showed him superior in fair-mindedness to most of his associates by proposing that Congress recall Lee to face Deane, meanwhile detaining the latter at public expense, or even accepting his written pledge to remain.<sup>4</sup> May 4th Burke of North Carolina, a Deane man, showed Laurens a motion which he proposed to offer to this effect. This Laurens took as a challenge questioning whether he was

<sup>1</sup> *Journals*, xiv., 534-7, and note on p. 537, Laurens MSS.

<sup>2</sup> Drayton died in Philadelphia, Sept. 3, 1779. See the bitter denunciation of him by the Lees above, p. 315, n.

<sup>3</sup> His brother R. H. Lee was excused from voting.

<sup>4</sup> Burke of North Carolina proposed the motion to this effect, but without desiring it to pass. The statement that Laurens originated the idea is based on his own assertion in his MSS.

sincere, and Burke confessed to the charge. "He never found one (*i. e.*, Laurens) otherwise," says Laurens, as he proved by seconding and supporting the resolution when offered three weeks later. He was forced to sit down in the midst of his speech by Burke's withdrawing his resolution in evident apprehension that it would pass. On the 10th of June<sup>1</sup> Burke again called up his resolution, when the vote upon it laid bare the despicable spirit of the majority on both sides. The question was divided; the detention of Deane failed by a tie, and, as the propositions hung together, the house refused to put to a vote the motion to recall Lee. "Never was a more droll scene exhibited in a public assembly," wrote Laurens the next day, and he might have added not often a more pitiful one. With a few exceptions the members voted as two conscienceless bands of partisans. One sought to harass and discredit Lee by a recall; the other sought to send Deane away alike unjustified, uncondemned and untried in order to avoid the hardship, risk, and above all, possible humiliation, to their darling Arthur Lee, the arch slanderer and marplot of the diplomacy of the Revolution.

Thus were votes given by all, three or four excepted, against the principles of the voters [wrote Laurens. As for himself, he continues] my sole motive for bringing forward the proposition for detaining Mr. Deane and ordering Mr. Lee to appear and support his charges was for obtaining justice; (1) to my much-injured country; (2) to individuals. . . . Before I had voted against the recall of Mr. Lee<sup>2</sup> I had repeatedly declared in Congress that I would vote for his recall, provided Congress would detain Mr. Deane, and that opinion I have invariably supported in private conversation with Mr. Lee's brother, and other particular friends, in opposition to their sentiments. "*Fiat justitia ruat coelum*, was my governing principle. Thank God, I have acted agreeably to the dictates of my conscience, without respect to persons, and I trust my country will not condemn my conduct."<sup>3</sup>

A very different explanation of Laurens's conduct is surmised by James Lovell, one of Lee's extreme partisans, in his account written to that gentleman:

<sup>1</sup> Not the 9th, as Wharton, iii., 216-17, has it.

<sup>2</sup> May 3d; not June 8th, as the note in Wharton, iii., 219, incorrectly states, confusing the entirely different case of the brother, William Lee.

<sup>3</sup> Wharton, iii., 219, n., quoting *Silas Deane in France*, 98.

I expect further attempts to get rid of you. It was a fear of that and a strong desire to scrutinize Mr. D. that made Mr. Laurens, I imagine, give into the late motion.<sup>1</sup>

Laurens's votes in this matter were steadily against the anti-Deane New England clique, and we cannot doubt his sincerity in arguing for an examination of the two men face to face. In a letter to the Governor of his State he begs that he shall not be considered a partisan of Lee, as might be inferred from his condemning some of Deane's conduct and throwing his influence against what he considered attempts to persecute Lee. Though he wished to do the right, it is plain that his prejudices tinged his conduct; he was, however, far removed from the blind and unscrupulous policy of some of Lee's partisans. Taking the affair all in all, he lost a signal opportunity of resolutely and unremittingly leading a movement for the exercise of unclouded justice.

Having disposed of this matter, we may now take up the other question, the settlement of Deane's accounts with the view of proving him a defaulter as charged by Lee or vindicating his character and paying him the large balance claimed. As Commercial Agent Deane had purchased and forwarded from France hundreds of thousands of dollars' worth of military stores, on which the war had been sustained. We will recall that he had left France in haste in answer to the summons to inform Congress "of the state of affairs in Europe," that he came without his accounts, and was criticized for not bringing them as the proof of his fidelity. His critics were not satisfied with his explanation that the words of the summons indicated a desire to be immediately informed of political affairs, that to have consumed his short time in collecting the widely scattered documents would have necessitated the neglect of his duties, and that the first intimation of his honesty being questioned was after he reached America.<sup>2</sup> Though the words used in recalling him, that "it is of the greatest importance that Congress should at this critical juncture, be well

<sup>1</sup> Wharton, iii., 223.

<sup>2</sup> *Deane Papers*, v., 369. Lee's letter and Deane's reply are in Wharton, ii., 600 and 768.

informed of the state of affairs in Europe," and that he was "to embrace the first opportunity of returning to America,"<sup>1</sup> countenance Deane's contention, yet his alarmed surprise and Franklin's anxious testimonial which he brought show that he apprehended that there was more in the sudden and unexpected summons than appeared in the resolution or in Lovell's complimentary phrases.<sup>2</sup>

Here again Laurens, though not a friend of Deane, was more fair-minded than the majority. He prepared a report blaming Deane for not bringing his accounts, even though it had been necessary to wait for a later conveyance, and recommending that he should be detained and the papers sent for, or if that was improper, that he be sent back to France for them at public expense.<sup>3</sup>

It was, perhaps, of this that Laurens wrote:

The report for which a certain Monday was "*set apart*" remains unconsidered, and probably will remain so till the day of judgment.<sup>4</sup>

Deane could justly write, May 22, 1779:

I have for more than ten months past been constantly soliciting to have the accounts of the commissioners settled, on the issue of which I freely put my reputation and everything dear in life. My solicitations have been unsuccessful, whilst my enemies, taking the base and disingenuous advantage of the circumstances before mentioned of my leaving France, raise a cry against me, and say, Where are his accounts? Why did he not bring them out? If they were not settled, why did he not tarry and settle them? I must confess, that when I reflect that these very men owe their present political as well as personal safety to the measures I then took, I am at a loss which prevails most in my mind, indignation or contempt.<sup>5</sup>

No settlement was provided, and as, unlike some others, he had neglected to hold back his percentage, he was reduced to live in poverty upon the advances of friends. Hildreth

<sup>1</sup> *Jours.*, ix., 1008-9; Dec. 8, 1777. Resolutions plainly stating dissatisfaction with his conduct failed. *Ib.*, viii., 605, n. 2.

<sup>2</sup> Cf. Franklin to President Laurens, March 31, 1778.

<sup>3</sup> Laurens MSS., vol. xxvii.

<sup>4</sup> Laurens to R. H. Lee, Oct. 12, 1779, in Lee Papers in Amer. Philosophical Soc., ii., 118, No. 52. A transcript is in Carnegie Institution.

<sup>5</sup> Wharton, iii., 182.

holds that he was unfortunate in having large sums pass through his hands before a proper system of vouchers had been established, and no investigator has ever been able to discover that he was guilty of dishonesty. If even the worst of the charges against him had been true, it would still be necessary to admit that his treatment by Congress was marked by callous indifference to his rights as a man and with delays which amounted to a denial not only of justice, but even of a trial. From his arrival, he was the football of parties in Congress, a body, said Jay, where there was "as much intrigue as in the Vatican."

Deane's misfortune had been enough to try the strongest nature, and his conduct now proved that his was not of that cast. He returned to Europe in the vain hope of Congress's providing for a settlement, and after months of despondency lost faith in the American cause and wrote to his friends recommending a return to British allegiance. Though it is not proved that he sold himself to the English, his name from that day to this has been a byword. There is scarcely in American history such another example of a reputation ruthlessly and recklessly blasted and redress cruelly denied. In 1842, fifty-eight years after he had died in poverty and ostracism, the United States paid to his heirs as justly due \$36,988, barely above half of what he claimed, thus closing a history supplying another illustration that "from the days of Aristides, the ingratitude of republics has been a byword in the world."

<sup>1</sup> Foster's *Century of American Diplomacy*, 40. His case suggests that of his friend and associate in early aid to the Americans, Caron de Beaumarchais, who never deserted him. Congress allowed him too to die in poverty and many years after his death paid to his heirs a small portion of what he had advanced to save our infant freedom.

In December, 1783, Laurens met Deane in England upon the road in company with Dr. Priestly. He undertook to inform Priestly of the character of his companion and, according to Deane, lodged through a Mr. Russel the following accusations:

- 1st. That before entering public life, Deane was poor and unesteemed.
- 2d. Nevertheless he sent two ships to sea, loaded on his own account soon after reaching France, presumably supplied by British money.

## NOTE ON ARTHUR LEE

We may note that by the reorganization of the diplomatic service in 1779 alluded to above, Franklin was left in sole charge in Paris, and Lee remained in that city with the meaningless title of Commissioner to Spain. He was superseded by the election of Jay as minister to Spain, Sept. 27. Laurens put Lee in nomination unsuccessfully for the position. Oct. 13, he was permitted, at his request, to return to America. He had powerful influence in Congress through family and friends, and on May 29, 1781, it was ordered that in the settlement of his accounts almost any manner of voucher whatever for his disbursements be accepted and that the accounts be left open if necessary for obtaining these, and, as for his expenses, ordinary and extraordinary, "no other voucher be required for either, than the word of honor of the said A. Lee"; which supplies the ground for Prof. Sumner's reflection that "if poor Deane had found such treatment as this, he would no doubt have come to stand as one of the heroes of the Revolution."<sup>1</sup>

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3d. That he was guilty of substituting blank paper for despatches to Congress.

4th. That he used every artifice after being recalled to avoid giving an account of his transactions.

How much of these things Laurens said is not certain; but at any rate Deane answered the accusations with fullness and spirit to Dr. Priestly, who, according to him, expressed himself as satisfied.

<sup>1</sup> Sumner, ii., 53.



## CHAPTER XXII

### CRITICIZES ROBERT MORRIS—DESIRES A CONSTITUTIONAL CONVENTION, 1778-9

THE Secret Committee and its successor the Committee of Commerce had the important duty of exporting goods on the public account and with the proceeds abroad purchasing supplies for the conduct of the war. Robert Morris, because of his business ability and wide commercial connections, was the leading member of these committees. The Committee's system of business was loose and careless and their accounts had fallen into confusion, though, asserted Morris, through no fault of his. Morris had possession of the books from the latter part of December, 1777, for many months with the purpose of putting them into proper shape. Laurens called for their return, at the same time offering to stake two fingers that he himself could balance them in two days, provided the original entries in the waste book had been regularly made.<sup>1</sup> But, said Morris, this groundwork of the whole thing had been neglected. The books were sent by the committee to Laurens early in December, 1778, who thus immediately entered upon the execution of his promise to devote himself after his resignation as President to the commercial business for which he was equipped. He determined to hold them until he found how the public money had been spent, and to the request of Morris, then

<sup>1</sup> Morris says that he thought he returned the books in July, 1778; Laurens asserts that he kept them until September. See Morris in *Penn. Packet*, Jan. 9, 1779, and *Royal Gazette*, Jan. 23, 1779, as transcribed by the Carnegie Inst. for *Letters from Members of the Continental Congress*.

retired from Congress, a few days after they had come into his possession that he surrender them to be adjusted, he replied rather tartly that "it would be altogether irregular to put the books out of his into the hands of a gentleman not a Member of Congress; that he should make an essay for adjusting them, and that when he should stand in need of assistance or information from Mr. Morris, he should take the liberty to call on him."<sup>1</sup> "I shall be happy if I am enabled to add that you deserve the thanks of your fellow citizens." His remarks in Congress were distorted in their repetition to Morris, who was reported, correctly we may readily believe, in consequence to be "hellish mad." Though not charging dishonesty, yet Laurens was distinctly critical. Morris engaged in a practice for which the other had no toleration—carrying on private commercial ventures while he held public office. Laurens severely condemned him in 1778 for being concerned as part owner in the illegal capture and sale of a Portuguese vessel by the privateer *Phoenix* and was a member of the committee whose report ordering restitution was unanimously adopted.<sup>2</sup>

Along with the matter of the confused books and Laurens's unfavorable prepossession went another of seemingly uglier aspect. During the winter of 1777-8 at Yorktown, Francis Lewis of New York, also a member of the Committee of Commerce, told Laurens that in several instances there had "been sad doings," and proceeded to specify "one extraordinary affair." A ship load of about 470 hogsheads of tobacco had been shipped by Willing, Morris & Co., attended by every circumstance to indicate that it was their private enterprise. A few days out the vessel was captured by the British and Morris collected from the public treasury the value of the ship and cargo, except fifty hogsheads which he represented as belonging to himself. "Good God, sir, is it possible?"

<sup>1</sup> Laurens MSS. in L. I. Hist. Soc. The books are now lost, probably burned, says Sumner, i., 224, n.

<sup>2</sup> Laurens to Samuel Adams, March 7, 1778, in Samuel Adams MSS. in N. Y. Public Library; *Jours.*, x., 227, and xiv., 803, 838, 857. It is just to state that Morris was owner of only one-twenty-fourth part in the privateer and did not approve the capture.

exclaimed Laurens; "I am glad you have not enjoined me to secrecy. If you had, I believe I should have mentioned this circumstance, for it ought not to be kept secret. Justice to the public as well as to Mr. Morris requires that it should not."

Here was a charge from a responsible source—no less than a member of the committee having the commercial operations under supervision during the entire period covering the affair; the charge in effect that the highest financial officer of the state had shipped a cargo the proceeds of which were to go into his own pocket if it went through safe, but the loss of which, if sunk or captured, was to be recouped by a theft from the treasury on the false ground that the transaction had been on public account. Here, if ever, it appeared, was a case to which would apply Laurens's exhortation just at this period to Dana, who had written him of gross neglect and abuse in a certain department:

Why are we so courtly and mincing? Is there a name under heaven that shall sanctify the peculator or screen the man whose neglect of duty has brought thousands to misery and death? Forbid it, torpid patriotism of 1775. No! let the offender be brought forth and the people told, This is the man! God awaken us.<sup>1</sup>

A few days after the conversation with Lewis in about January, 1778, the books of the Secret Committee being under discussion, President Laurens begged leave to be heard from the chair, and stated, along with his wager of two fingers to balance them in two days, that he was all the more anxious for their return on account of a circumstance which he had lately heard from a gentleman present (pointing to Lewis), and recounted the incident of the tobacco ship (if we are to trust his own account), or at least made grave insinuations regarding Morris and wished he were present so that he might ask him some "home questions." He did not charge dishonesty, but he demanded an explanation of circumstances which as they stood raised the most dishonorable inferences regarding Morris's character. To Lewis, who expressed after adjourn-

<sup>1</sup> Laurens to Dana, March 1, 1778.

ment his regret for such action, Laurens replied that justice to all parties made it absolutely necessary.

Here the matter rested until January, 1779, when Tom Paine, who was attacking Deane in the press, turned his guns on Morris, Deane's friend and sometime associate in business ventures. A paragraph in Morris's reply appeared to Laurens to place him in a false light, and in the course of his observations in Congress upon the passage he repeated the tobacco ship incident. Lewis reluctantly gave his version, and Congress requested them both to commit their statements to writing. A committee of investigation was appointed and Morris was called upon to answer Lewis's charge about a matter which had been whispered around for two years and which was thus by Laurens's frankness brought to adjudication.<sup>1</sup>

Laurens went over every paper bearing on the case and had diligent search made in the records of the Secret Committee,

<sup>1</sup> The papers by Laurens and Morris are in the Laurens MSS. in S. C. Hist. Soc., Congressional Letters, etc., 1779. Others joined in the newspaper war, with one of whom, Col. Parke ("Philoletus"), I believe his name was, Col. John Laurens almost had a duel because he delayed the apology he confessed that he owed for misrepresenting Henry Laurens.

Though Laurens was so positive that he brought the tobacco ship incident up in open Congress a year before the time when it was given an investigation and gave details to sustain his contention, it is hard to believe that his first allusion was more than a general statement that he wished to ask Morris some "home questions" about a suspicious transaction. Not a member could be found who recalled more than this, though as Laurens proved, many matters were soon entirely forgotten. Lewis, *e. g.*, as will appear below, had authorized this very former transaction and then had so completely forgotten having done so as to whisper it around as a criminal act when it came to him later as news. The following, which almost certainly refers to Laurens, would indicate that the question he raised on the first occasion was not explained in detail:

"Penn gave me a hint of the evil intended you by a certain great man; but when he came away it only appeared by now and then an innuendo, and a promise of what he intended to do when you were present. If he ever makes his attack, I am sure it will end in his own confusion, and prove him to be, what I from a very short acquaintance suspected he was, an empty envious, conceited ——."—Benj. Harrison to Robt. Morris, June 8, 1778, in Wharton, ii., 608.

but nothing appeared to dissipate the cloud of suspicion except what he terms "*ex post facto* endorsements" on two bills of lading after the ship had sailed, though before she was captured, stating that the goods were for the United States. He disclaimed throughout any accusation of dishonesty against Morris, protested against Lewis's repeating the matter privately, and asserted that the best friend whom Morris possessed could not more gladly hail the proof of his innocence of these charges which he (Laurens) had, as "a more generous part," dragged from the hiding-places of "slandrous whisper."

Morris's reply proved that the suspicions against him were groundless. The Secret Committee had authorized him to buy tobacco on public account with all the appearance of a private transaction in order to avoid the extortionate prices which were always asked when it was known that large purchases were to be made for the public. The minutes of the committee were not sufficiently clear to prove this; but other information when placed beside them put it beyond dispute. Laurens himself, being reminded of a forgotten letter by an expression in Morris's defense, submitted it as valuable corroborative evidence and declared in Congress "that it afforded him the greatest satisfaction to have it in his power to produce an evidence, which, in his opinion, put it beyond all doubt that the ship *Farmer*, Capt. Dashiell, had been loaded on public account."

Morris very justly complained that Mr. Lewis, after having as a member of the committee authorized his action in the *Farmer* case and later concurred in the payment by the public for her loss, should have been so careless as to forget these circumstances and whisper the matter around in the character of a criminal transaction. "I am happy," he said, "that Col. Laurens from a love of justice, has at last brought this affair to a public investigation, my innocence being fully and clearly established thereby." Nor can we

<sup>1</sup> *Jours.*, xiii., 163-4. The Laurens MSS. in the L. I. Hist. Soc. contain letters, including, perhaps, the one alluded to in the text, showing that the bulk of the cargo of the *Farmer* was on public account, as Morris asserted, and only a small part on his private account.

entertain a doubt that Laurens's straightforward course, though giving a shock at the time, was most admirable. But for that, it is not unlikely that this ugly rumor would have stolen down the years and left a question mark opposite Morris's name to which no answer could have been offered except his reputation for honesty.

The committee of investigation reported that Morris had "fully vindicated himself" and discharged with integrity the duties imposed by the Secret Committee. No mention was made of the shipment of fifty hogsheads on his private account; how far this may be construed as approving this practice each must judge for himself.<sup>1</sup> The great financier came out of the campaign of vilification started by Tom Paine unsoiled; but the facts which were brought out illustrate the wisdom of our law, born of the experience of these years, forbidding the Secretary of the Treasury to engage in trade or commerce.

Morris justified his practice of including shipments of his own upon the government vessels on the ground that, having deprived himself of the profits of his regular business, he should be allowed to compensate his loss somewhat by this means. This was not dishonest, though it made dishonesty easy, and it was taking advantage of official position in a way which modern opinion would not tolerate. Laurens was right in condemning it as inadmissible.<sup>2</sup>

Morris and Deane, previously interested in several business ventures while the latter was in France, now planned a partnership for an international business in which they were to be associated with a French merchant, a member of Congress who was shortly to resign, and two prominent ex-Congressmen.<sup>3</sup> Laurens's high standards of public duty, together with his critical disposition, led him to suspect the plan. He denounced it in Congress, "and divisions follow."<sup>4</sup> Such

<sup>1</sup> Prof. Sumner, i., 227, says that "it seems a reasonable interpretation that Congress did not find that the shipment by Willing and Morris was wrong."

<sup>2</sup> Cf. note in Lecky, iv., 374.

<sup>3</sup> Sumner, i., 226.

<sup>4</sup> Laurens to Gov. William Livingston, April 19, 1779.

desertion of the public service for the sake of private gain raised his indignation :

I have neither ambition nor avarice to gratify [he continues]. One-third part of my estate is absorbed; the remainder is in very great jeopardy, and here I continue contentedly drudging without sleeping one wink less from apprehensions of what is passing in Carolina. But notwithstanding this quietude of mind under losses and accidents inevitable and irresistible, I hate and oppose knaves, those more especially who have persuaded me to believe them honest.<sup>1</sup>

He still laments that "more ample abilities stay at home to save and to make money and to kiss their wives"; yet he varies his jeremiad with this fine passage on the character of his countrymen :

Upon my honor, sir, scarce as such jewels are, I believe that taking into consideration numbers and circumstances of wealth, real or imaginary, there are as many patriots now on this land as history can show to have been in any country and any one period of time. Reduce us all to poverty and cut off or wisely restrict that bane of patriotism, commerce, and we shall soon become patriots; but how hard it is for a rich, or covetous man to enter heartily into the kingdom of patriotism.\*

How completely has the great merchant been transformed into the rich planter, secure at least against absolute ruin by the turns of trade, when he can pass along the sneer once shied at him of being "a mercantile patriot" by himself coining the phrase, "that bane of patriotism, commerce!"

Congress met behind closed doors and practically kept even its Journal secret. Laurens was opposed to this as unrepugnant and dangerous. The violent and unseemly quarrels connected with the Deane-Paine-Morris feud first forced them to modify this system by voting, March 31, 1779, on Drayton's motion, to send their Journal weekly, except such portions as ought to be kept secret, to the Governors of the States to be submitted to their Legislatures. Laurens wished to go much further.

Order the doors to be opened [he exclaimed], that every citizen may know what his servant is doing, particular cases excepted, or clamour until the

<sup>1</sup> Laurens to Gov. William Livingston, April 19, 1779.

\* *Ib.*

Journals are printed and published weekly. Our chaplain had so long prayed to God to bless us, whom he had set *over* so great a people, as perhaps had intoxicated some of us into an opinion of being actually set over the people. But I gave the Doctor a hint t'other day, and he now prays, "for whose service they are appointed."<sup>1</sup>

Laurens's plans of reform took a much wider view. He desired a Federal convention. The low state of the army and finances, he says, led him to conceive the plan. To Governor Livingston, of New Jersey, who so highly esteemed him as to seek his acquaintance and open a correspondence, he wrote, July 5, 1779:

Upon a serious and full view of our public affairs I am led to believe that the call of a general council composed of men renowned for integrity and ability from each State, assisted by the Commander-in-Chief and a few selected general officers to take under their consideration the state of the nation to sit either in or out of Congress (in the latter case to call upon Congress for every necessary information) would have an happy effect. These committees which we see rising every day are epitomes of the work I have in mind; but however good their views and intentions may be, their authority is usurped and may become dangerous to the safety of the people.<sup>2</sup> Gentlemen who should be sent from the several States for forming this Council would acquire a knowledge of very important circumstances of which the States are now profoundly ignorant. From their representations, wholes and coincident laws would be enacted in each State, without which it will be impossible for Congress to proceed in the discharge of public business. . . .

The business of this Council might be begun and ended within two or at most three months. Years, and millions of money I apprehend, would be saved by it.

To John Adams, October 4th following, he urged the same idea of "a grand convention." "Each State, at too late a day, will find cause to apply blame to itself. . . . But what shall be done by and by, and not far distant, for quieting a hungry and naked army?" If the kind of Congress we have gets us "safe on shore, we shall look back with equal pleasure and amazement."

<sup>1</sup> Laurens to Gov. William Livingston, April 19, 1779.

<sup>2</sup> Usurped in the sense that, the Articles of Confederation not having been adopted, their authority had no constitutional basis.



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This proposal, coming after the Articles of Confederation had been waiting almost two years for ratification, entirely ignores their existence and seeks to shape a constitution by representatives deputed for that work alone acting under the recommendations of Washington, and thus likely to find some practical solution for the grand difficulties of army, finance, and administration which were threatening the existence of the republic. Laurens took his proposal very seriously, for when the convention which finally did give us an adequate government was in session, he wrote, July 3, 1787, that the Federal convention he moved for in 1779 would have done good; "we are rather late now and much up-hill work to be performed; nevertheless I entertain good hopes."

## CHAPTER XXIII

### LAST MONTHS IN CONGRESS, 1779

**Fisheries, etc., in Treaty of Peace—Differences with Drayton and North Carolina Delegates—Houston Letter—Foreign Mission**

THE harsh criticism which we observed Laurens passing upon Drayton during the debates on the recall of Arthur Lee was not the beginning of their estrangement. It is necessary briefly to notice the relations of the two South Carolina delegates during the previous months, as little as their small quarrels reflect credit upon them.

It was scarcely possible that two such characters—so dissimilar in temperament, method, and mental habits, and so similar in their attachment to their own views—should long coöperate harmoniously. As early as 1775 Laurens depreciated Drayton's treaty with the South Carolina back-countrymen. Though they were on good terms when Drayton entered Congress, March 30, 1778, in three months' time Laurens was dissatisfied that "my good friend Drayton" should write letters from the South Carolina delegation to their State without having the senior delegate as well as himself to sign them, although he had contributed much of the materials. It will vex his friends in South Carolina to see him "forestalled and eclipsed."<sup>1</sup> Drayton, young, ardent, enthusiastic, always striking straight and strongly at his object, was accustomed to brush aside formalities which might check one less impetuous. Laurens, somewhat sensitive as to what was due a gentleman much the senior of his delegation both in age and service and

<sup>1</sup> Laurens to John Laurens, July 6, 1778.

rather overready to impute bad motives, was not wont to withhold his opinion because it might sting. Evidence of strained relations is contained also in a letter in which the younger man complains in deferential language of being hurt at the way in which he was spoken to in the presence of Samuel Adams about a difference of opinion.<sup>1</sup>

In the matter of the correspondence Drayton acknowledged himself at fault; but some misunderstanding about the subject again broke out early in 1779 and led to Laurens's forbidding his secretary to attend his colleague as he had been authorized to do in connection with the business of the delegation.<sup>2</sup> That fruitful divider of friends, the Deane-Lee controversy, found them at first in harmony but soon at outs.<sup>3</sup> In the sharp conflict in which Drayton made his successful appeal to the French minister, coming out second best did not sweeten Mr. Laurens's temper. The only compliment, or rather sort of half compliment, I know of Laurens's paying his young associate is the comment to Washington, "However as I can always take a decent freedom with my colleague, who is really a diligent man, I will not let him pass a day unreminded of the necessity for bringing forward his report."<sup>4</sup> We are all, except the most hopeless, lifted out of pettiness when we commune with a great man. Pitiful squabbles on nothing and bitter opposition on matters of importance continued to obstruct their intercourse until Drayton's death in September, 1779.

The terms on which peace should be made occupied much of the time of Congress during the first half of 1779. There was little trouble in fixing upon substantially the boundaries which were ultimately obtained. The free navigation of the Mississippi, being complicated with the interests of Spain, was a

<sup>1</sup> An unaddressed letter from Drayton, Sept. 16, 1778, No. 4237, in *Emmett Col.* in N. Y. Pub. Lib. The inference is strong that it was to Laurens. It offers no clue as to the subject of misunderstanding.

<sup>2</sup> Paper of March 10, 1779, in Laurens MSS. signed by Laurens's secretary, Moses Young.

<sup>3</sup> Drayton to Laurens, Nov. 30, 1778, indicates no difference.

<sup>4</sup> Laurens to Washington, June 8, 1778, in MS. letters to Washington in Lib. of Cong.

more tangled problem. This important matter, in the indifference and ignorance that were for some time yet to influence the national councils on Western questions, was less esteemed than the fisheries. March 24th Laurens, along with almost the whole Congress, refused to demand the free navigation of the great river; but on August 5th he, with almost as great a majority, voted in favor of the right. In September the guarantee of the Floridas to Spain was authorized in exchange for the navigation of the Mississippi.

The right of fishing on the New Foundland and Canadian banks and coasts, though not by any means the most important matter at stake, consumed the most time and aroused the warmest debates. All desired the fishing rights, but with greatly differing earnestness. A minority were willing to continue the war if necessary to secure them in the fullest extent; another minority were ready to acquiesce if England should entirely deny them. Laurens's sympathies were with the former party, in conformity with his principle of valuing all commercial privileges. He voted with the majority, March 24th, in making it an ultimatum that the Americans were to enjoy the right of fishing both on the coasts of Canada and the banks of New Foundland, provided France was willing to aid in continuing the war with this object. But second thought convinced that the risks assumed in this decision were too great. New York led in the reaction, and on the 8th of May Gouverneur Morris moved, with a long argumentative preamble, for terms waiving all reference to fishing rights. Laurens prepared an amendment that if England would not allow us the rights we would make no treaty of commerce with her; but the motion itself was voted out of order, and hence, doubtless, we find no reference to Laurens's amendment in the Journals.

Drayton took sides with those who thought it best to surrender the fishing rights. Laurens preserved this disdainful memorandum of his remarks on the 8th of May:

Mr. Drayton's very ignorant harangue on the article respecting the fishery. We had forfeited the pretended right when we withdrew our

allegiance. <sup>1</sup>—Of no use to any but three or at most four States. Never had been, never would be of use to Carolina, Georgia, &c., &c.

In the almost daily flux of opinion on the question, Congress was more and more influenced by the difficulties to which a radical position might lead. The French minister intervened vigorously, and in necessary deference to the unwillingness of his government to continue the war one day for that end, Congress repealed its ultimatum and substituted its original resolution, "that in no case by the treaty of peace, the common right of fishery to be given up." Even Laurens recognized the necessity and concurred.<sup>2</sup>

What was intended as the final terms of the American demands was adopted August 4th, and a committee consisting of Gouverneur Morris, Laurens, Samuel Huntingdon, John Dickinson and Thomas McKean was appointed to draft instructions to the ministers.

Laurens's position on the fisheries is one of the strongest evidences of his breadth of view and freedom from sectional bias. He valued them as training grounds for seamen who in time of war would be available for national defense, just as did Washington, who spoke of them as "the finest nursery of seamen in the world."<sup>3</sup> His stand for the fisheries as the only member from the far South who stood with New England on the question gained him much hostility from his Southern associates. One or two Virginians took the same view and incurred the same unpopularity.

R. H. Lee and H. Laurens are squinted at [wrote Lovell] as two monsters on the other side of the Susquehanna who pursue points in which the southern States have *no* interest.<sup>4</sup>

He was pained by the charge of subservience to New England, as appears from a letter near the end of his Congressional service in which, after speaking of his efforts to have Georgia and South Carolina recovered and frigates sent to their coasts, and of the opposition he met from New England, he says:

<sup>1</sup> The identical argument used by Vergennes.—D. D. W.

<sup>2</sup> *Journals*, xiv., 661; Bancroft, v., 323.

<sup>3</sup> Washington to Laurens, Nov. 14, 1778.

<sup>4</sup> Lovell to John Adams, June 13, 1779, in Wharton, iii., 221.

It has been falsely transmitted to Charles Town that I was too closely connected with the Eastern States. You have now proof of the contrary, and I glory in the reproach of being with no man, with no party, longer than he or they steers or steer by the pole star of reason, justice, reciprocity. When men diverge into the road of self interestedness, I walk no farther with them. In a word, I fear I have given offence to some of my friends. If it be so, I can't help it. I would rather offend my father than meanly or wittingly transgress against those principles.<sup>1</sup>

Laurens's position brought about the first of April a strong protest from the North Carolina delegates, who together with his colleague Drayton were already his opponents in the Deane-Lee quarrel. They submitted to him a copy of a letter addressed to the Governor of their State in which they stated that Mr. Laurens had voted to continue the war for as full fishing rights as the Americans had enjoyed as colonists, even though France should refuse her aid.<sup>2</sup> They declared the fisheries a local and unessential question and recommended that, in view of Mr. Laurens's vote, North Carolina recall any militia she might have in South Carolina and send no more there. Laurens wrote to Drayton on April 3d that he was open to reason and if convinced of error was ready to "change my late sentiments." Drayton, while expressing regret at his colleague's opinion, declined any conference and said that he would beg the North Carolinians not to send their letter to their Governor, an offer which only served to arouse Mr. Laurens's indignation and increase the existing estrangement between the South Carolinians.

Here [he replied] you have drawn a line between us—henceforward I will neither receive from you a letter of controversy; but I will never withhold my voice in confirmation of any motion of yours nor my utmost support to your measures out of doors where we may be jointly concerned, which shall appear to be conducive to public good.

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<sup>1</sup> Laurens to John Laurens, Sept. 21, 1779, in *S. C. Hist. Mag.*, vi., 151-2.

<sup>2</sup> I find no record in the Journals that Laurens or any other member voted to go so far as this. There may have been such a vote in committee of the whole. The fact that Laurens does not deny the allegation might be due to the fact that he directed his reply to the attempt to control his vote.

The same day, April 4th, and in the same heat Laurens wrote to Governor Caswell, not knowing that the letter of the North Carolinians, which was intended from the first to influence him rather than the person to whom it was addressed, was never sent. His opponents, he wrote, had obscured the merits of the fishery question and thrown into prominence their attempt to drive him from his position by threatening to sacrifice his State by abandoning it to the ravages of the enemy. Those have learned little of Laurens's character who cannot imagine his wrath at a concerted attempt to force his action or persecute him for his opinions. His bold espousal of the unpopular cause of Colonel Grant in 1762, his defiance to the Stamp Act mob crossing their cutlasses across his breast, his humiliating every revenue officer in Charleston, from the Judge of Vice-Admiralty down, when they illegally seized his vessels, his avowal that he would forfeit his whole estate rather than submit to the King's "additional instructions" of 1770 in the Wilkes fund controversy, his defiance of the tyranny of the excited radical party in their position on the signing of the "association" in 1775, his duel with Grimké in the same year, his refusal to submit private letters when ordered by Congress in 1778, and his resignation of the presidency on a point of dignity, all marked him as an uncompromising and fearless foe of "all dogmatic and arbitrary dictates over men's consciences." But this was quite the most tyrannical application of the thumb-screw he ever had occasion to resent until his experiences as a prisoner in the Tower of London.

Contenting himself with a brief defense of his votes to Governor Caswell, Laurens assailed his critics as follows:

But admitting, as the gentlemen alledge, that I am in error, admitting that my supposed malcontent arises from "infatuation or something worse," does it follow that one State in our Union should be devoted to carnage and the interest of the other twelve essentially injured because South Carolina is so unhappy as to have one of her delegates wrong-headed or foul-hearted? Can we discern no medium? To speak a little freely, Sir, in my turn, these gentlemen of North Carolina appear to be under the government of passion—I will not say *anything* worse.

Are men to be driven into measures by sophistry, misrepresentation and menaces? . . .

It is possible I may have erred in judgment. The gentlemen in their attempt to correct the supposed error have committed acts which appear to me in the light of heinous crimes. They have attacked the freedom of debate and suffrage. They have menaced a free citizen in order to bias his vote. They have advised the abandonment of an innocent people to the rage of a powerful and merciless enemy. They have recommended measures which, if adopted, will endanger the safety of the United States; and have they not sacrificed their sacred faith and honor to pique and resentment?

But, Sir, I will disclose a secret to your Excellency which I never promised to keep. It is a settled plan, and has been for some time past, "to hunt me down." Were there any just cause, unjustifiable means to accomplish this pious purpose would not be resorted to. The "vantage ground of truth," Lord Bacon says, "is an incomparable pleasure; 'tis an hill not to be commanded, and where the air is always clear and serene"; and believe me, Sir, I do consistently with truth add, that I have seen from thence, particularly in the late instances, the wanderings and mists and tempests in the vale below.<sup>4</sup>

So that his candor, on which he prided himself, might remain intact, Laurens sent a copy of his letter to the North Carolina delegates. They replied, with better sarcasm than sincerity, I am constrained to think, that they had not intended to force his vote or to menace South Carolina; that they supposed that State could not be in need of North Carolina's assistance if one of her representatives so famed for information and judgment as Mr. Laurens could vote to make an object so unessential to the entire Union as the fisheries an ultimatum precedent to peace.

The secret [they continue] of "a plan to hunt you down" is utterly unknown to us, and we hope you are mistaken. We cannot deem any individual amongst our body so dangerous as to be the object of a justifiable combination; nor do we know any one of importance sufficient so much to engage our efforts and attention, and we wish you to do us the justice to believe we are incapable of so unworthy a measure.

The paragraph in your letter with the quotation from Lord Bacon is too figurative and mysterious for our comprehension. . . .

The manner in which we address you, notwithstanding the asperity of

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<sup>4</sup> Laurens's letter is in *The State Records of North Carolina*, xiv., 57, with slight variations from the copy in the Laurens MSS. in the S. C. Hist. Soc. Archives, which contain all the letters in the case. The North Carolina records do not contain the letter of the delegates, from which it appears that they did not send it.



some expressions in your letter to Gov. Caswell applied to us, may sufficiently convince you of our good temper.

[Laurens in replying on the 8th persisted that their conduct was] an unexampled outrage. . . . Here I entreat our correspondence on this subject may expire. [This note, he tells us], put an end to the farce and produced much politeness and many assurances of esteem to Mr. Laurens. Whether they sent their letter to Gov. Caswell or not, I cannot tell nor did I give myself the trouble to enquire; but I had kept my word and sent mine, because their apology did not come in time to prevent it.

Mr. Laurens was much gratified at the outcome of the *mêlée*. On the day of his reply to their last communication he wrote to John:

The Censors from the Land of Turpentine took four days to devise an answer to my first letter. . . . At first they kicked violently, for I saw one of them writing the morning after my letter was delivered two hours and a half with that letters (*sic*) before them, which had been previously scan'd by my colleague and the circle—who were all much agitated. . . . Since writing the above N. C. has been silent, and what is more extraordinary, my colleague has called upon me to confer on business of our constituents.<sup>1</sup>

During May Laurens imagined that he was the subject of a scheme on the part of Drayton to discredit him. April 29th, on the question of how large a requisition should be made upon the States, he says, Drayton left the casting of South Carolina's vote entirely to him.<sup>2</sup> May 19th, the question being still undecided, Drayton began to vote, voting first for \$60,000,000, then for \$45,000,000, against Laurens, who stood 'or a smaller figure, as he did not think South Carolina could afford to pay her proportion of even the smaller sum. Thus, he asserts, it was sought, as a part of the tactics of Drayton and the North Carolina delegates, to exhibit him as inconsistent and unreasonable in insisting on fighting for the fisheries while refusing, in his own knowledge of the weakness of the States, to vote high taxes. It is hard to resist the conclusion that Drayton did time his votes in such a way as to emphasize the inconsistency of those who voted, as did Laurens, for

<sup>1</sup> Laurens to John Laurens, April 8, 1779, in Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> The *Journal* states that the question was discussed that day but records no vote.

a high fishing ultimatum and low taxes for carrying on the war.

Mr. Laurens has been careful to preserve the record of yet another clash with his young colleague. Drayton moved that Congress celebrate the anniversary of independence by fireworks on Monday, July 5th, and cited the Olympic games as precedent. Laurens, for reasons of economy, opposed the plan with "zeal," proposing rather "fasting and mourning." "The Olympic game of Greece and other fooleries brought on the dissolution of Greece," he declared, and Mr. Drayton's proposition was "generally exploded."

Mr. Laurens himself has supplied the most fitting name for some of his own disputes—"school-boy jarrings." Let us overlook these in the spirit in which he and his young associate at last came together under the shadow of death. About the 10th of August Drayton was stricken with typhus fever.

When I learned that he was really ill [wrote Laurens] I could not refrain from visiting him, his permission being previously obtained. When I approached his bed he clasped my hand, and wept affectingly; after recovering his voice, he signified great satisfaction at seeing me, and particularly requested I would write a statement of his case to Mrs. Drayton. The physicians think him dangerously ill; say he may live one or two weeks longer; that if he has strength for the discharge from an abscess in his side they shall raise him again, but that he will remain an invalid several months.<sup>1</sup>

He did not have the strength, and on September 3d, a few days short of thirty-seven years of age, fell asleep one of the most brilliant, daring and admirable characters of the Revolution.<sup>2</sup> He was buried in old Christ Church graveyard in Philadelphia. Congress attended the funeral in a body and went into mourning for one month.<sup>4</sup>

<sup>1</sup> Congress resolved on Drayton's motion to have suitable sermons preached on Sunday the 4th and, apparently also on his motion, to have an "entertainment" on the 5th.

<sup>2</sup> Laurens to R. H. Lee, August 31, 1779, in *Deane Papers*, iv., 89-90. Original letter is in Lee Papers, Amer. Philosophical Soc., Philadelphia.

<sup>3</sup> Drayton's *Memoirs*, i., xxvi-xxvii.

<sup>4</sup> *Penn. Packet*, Sept. 11, 1779. This is the authority also for the statement that he died of typhus fever, or as the paper puts it "a putrid fever."

It was in the midst of the debates on the fisheries and the personal quarrels resulting that Rivington's New York *Gazette* published Laurens's letter of August 27, 1778, to Governor Houston of Georgia, captured during the conquest of that State.<sup>1</sup> The most severe passage was as follows:

Were I to unfold to you, sir, scenes of venality, speculation and fraud which I have discovered, the disclosure would astonish you; nor would you, sir, be less astonished were I, by a detail which the occasion would require, prove to you that he would be a pitiful rogue indeed who, when detected or suspected, meets not with powerful advocates among those who, in the present corrupt time, ought to exert all their powers in the support of these friend-plundered, much injured, and I was almost going to say, sinking States.

May 14, 1779, Meriwether Smith of Virginia stated that the letter

contained matter derogatory to the honor of Congress, injurious to the interest of these United States, and tending to destroy the confidence which the states should repose in that body; and therefore he moved as a matter of privilege, that the said letter be read, and that Mr. Laurens be called on to declare whether he wrote that letter.<sup>2</sup>

By a vote which bears strong marks of party lines, Congress ruled the motion to read the letter out of order, and the enquiry as to the authorship was defeated unanimously. The next morning Laurens, in order to place himself in a frank position, read a paper stating that he considered Smith's motion "irregular, unprecedented, and full of dangerous consequences, derogatory to the honor and dignity of Congress, and alarming to the free and independent citizens of these United States"; that if Mr. Smith had enquired in proper terms, he would have received "all the satisfaction that could have been desired by any man of true honor"; that he did write a private letter to Governor Houston on the date named, and that should Congress request, he would submit a true copy, with the expectation that it should be entered on the Journal.

Laurens states in a memorandum that he thought it wrong

<sup>1</sup> See letter p. 289 above.

<sup>2</sup> The proceedings to be found in *Journals*, xiv., 588, 592, 610-13.

for Congress to demand the letter, but that he would show it to any member upon request.

This paper, by the vote of every member, was entered upon the Journal. Mr. Smith at once requested that Congress declare whether, in their opinion, his attempt deserved the description given it by Mr. Laurens; but the only answer was that they had not intended to express any opinion on that question. Three days later Smith renewed his request and defended his position in a clear, brief paper, but only succeeded in getting a refusal of its entry upon the Journal. Laurens tells us that some of the leading members congratulated him and said that such a letter should be sent to the Governor of every State; so that we may say that in a sense he was vindicated. But the party complexion of the votes discounts something of their judicial character. For instance, in voting on entering Smith's paper, the members voted almost to a man identically as they had two weeks before on the recall of Arthur Lee, and very nearly the same can be said of the vote on the fisheries ten days before, while the vote on the Deane-Lee matter three weeks after, though somewhat confused by party maneuvers, bears very much the same character. The conclusion is therefore well-nigh irresistible that the sustaining of Mr. Laurens and the complete discomfiture of Mr. Smith were due largely to the determination of the New England party and their allies to stand by a valuable friend.

Burke and Penn of North Carolina were among the most active supporters of Smith; but all three of these gentlemen opposed a motion three weeks later to notice a derogatory article in a paper by a public printer. "From the same polluted source flow all their actions," commented the acid Mr. Laurens; ". . . When they speak truth it is in order to deceive." Four months later this teapot tempest had so calmed that Smith "pressed me to-day to take a side of his chariot, brought me home and will eat sturgeon with me to-morrow."

As already noted, Congress was engaged in the summer and autumn of 1779 in reorganizing the diplomatic service. Laurens nominated John Adams for minister to negotiate peace

<sup>1</sup> Laurens to John Laurens, Sept. 21, 1779, in *S. C. Hist. Mag.*, vi., 152.

with England and Arthur Lee to negotiate a treaty with Spain. September 29th John Laurens was elected secretary to the minister to France; but, as those who knew him might have foretold, he declined to leave the field. A matter which came up during the general rearrangement was the compensation of ministers. When the first representatives were sent abroad in 1776, Congress pledged itself to pay all expenses and in addition such sums as they might later consider just. The three commissioners drew amounts differing widely. Arthur Lee wrote that experience proved that £3000 was a necessity, and probably this influenced the committee to recommend that sum. Congress, however, fixed the pay at £2500 sterling per annum, to begin on their leaving their place of abode and continue until three months after notice of recall.<sup>1</sup> Laurens voted against the pay being so high as £2500. "Men who are sincerely devoted to the service of their country," he comments, "will not accept of salaries which will tend to distress it," a principle which, we shall see, he fully lived up to when himself a minister. The salary remained at this until May 7, 1784, when it was reduced after the first of the following August to \$9000.<sup>2</sup>

During 1779 desperate efforts were made to improve the financial situation. A part of these plans was to send a commissioner to Holland to secure a specie loan of \$10,000,000. John Adams, about to sail for Europe to negotiate with England, Langdon of New Hampshire, and Laurens were nominated, and on October 21st, Laurens was elected. November 1st he was also elected to negotiate a treaty of amity and commerce with the United Netherlands as soon as he had sufficiently studied the situation on the ground to give Congress satisfactory information for definite action. His compensation was fixed at £1500 sterling and his secretary's at £500.<sup>3</sup>

<sup>1</sup> Wharton, ii., 592, n., and *Journals*, xv., 1145. £1000 sterling was fixed for their secretaries. Laurens voted against this sum also.

<sup>2</sup> *Secret Journals*, iii., 482. Laurens wrote his son that the salary recommended for him as secretary at Paris was £1000, but that he should oppose its being fixed at more than £700.—Laurens to John Laurens, Oct. 2, 1779, in *S. C. Hist. Mag.*, vi., 157.

<sup>3</sup> The action of Congress regarding Laurens's mission will be found in the

Bancroft states very carelessly that "in December (1778) Laurens retired from the office of President of Congress in the expectation of being appointed to negotiate a loan in the Netherlands."<sup>1</sup> Wharton,<sup>2</sup> misled perhaps by the same rumors which Bancroft had fallen upon, writes:

On December 1, 1778, he resigned as President, and his business affairs becoming deranged, and his position in Congress becoming one of difficulty for reasons to be presently noticed, he sought, as the papers of the day tell us, a foreign appointment.

The mistake of December 1 for December 9 is immaterial, save as illustrating the carelessness with which, sad to say, such an able scholar as Dr. Wharton has dealt with Laurens in his brief sketch. It would have been nothing discreditable to seek a foreign appointment; but aside from the fact that it is more agreeable to receive honors unsought, the statement that he sought this one seems contrary to fact. As to the explanation offered by Wharton, that he desired to mend his broken fortunes, it would be strange, indeed, if one who knew as Laurens did the heavy drafts upon one's private purse which service in Europe was likely to entail, who voted against salaries even as high as £2500, and who had had Congress to reduce by many thousands its proposed reimbursement for his expenses as President, should seek to go to Europe because of "his business affairs becoming deranged." His own compensation was fixed "at the rate of fifteen hundred pounds sterling per annum in full for his services and expenses," just a thousand pounds below other ministers, we can hardly doubt in view of his recent votes and expressions at his own request as to what he considered proper.<sup>3</sup> Laurens was a rich man and

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*Secret Journals*, ii., 283, 285, 290, 291, 314, 319 and 320, being for the dates October 26 and 30, November 1 and 5, 1779, June 20 and July 6 and 7, 1780, and under these dates in the new Journals, so far as published. In his *Narrative* Laurens states that he was commissioned to borrow money anywhere in Europe. This is in accord with his commission, though all the resolutions speak only of the United Provinces. <sup>1</sup> V., 293.

<sup>2</sup> I., 579. Silas Deane's charge that Laurens sought to prevent his appointment to the Netherlands and for almost a year schemed to have himself appointed (*Deane Papers*, v., 360, 371) is too silly for argument.

<sup>3</sup> *Jours.*, Nov. 1, 1779.

with his combined experience as merchant and planter could have reaped a golden harvest, as did Robert Morris and many others, by successful foreign trading during the war—a sin against patriotism which he looked upon as almost a crime. His estates and income suffered greatly from his public occupation, as is testified by his correspondence at every period during and after the war, and hardly a more absurd explanation of his going to Europe could be offered than that, by thus still further neglecting his rich plantations, he was seeking to better his fortunes by grasping at a salary which had been compressed to the narrowest dimensions in accord with his own republican ideas. On the contrary, he was actually supporting his son, Colonel John Laurens, as an officer in the army, rather than have him draw pay from the public treasury<sup>1</sup>; and his friend in Congress, James Lovell, desired to go abroad at the same time as Minister Laurens, in “a certain conviction that I shall have every friendly aid from you advisory and pecuniary.”<sup>2</sup> Instead of seeking the appointment for its petty salary, Laurens accepted it with the firm resolve to receive no salary at all, and consented to have it paid him only after the misfortunes to be narrated below made it necessary.<sup>3</sup> Dr. Wharton should have been saved from such an erroneous surmise if only by editing Laurens’s letter of February 24, 1780,<sup>4</sup> in which this supposedly crippled gentleman writes that, knowing of Congress’s inability to supply him with funds, he had exported at his own expense from South Carolina £3200 sterling worth of indigo, the sale of which in Europe would serve to support him and other representatives abroad. He also sent £4000 sterling ahead of him to England, to which he probably alludes in his “Narrative” in speaking of his ample funds in the hands of Mr. Manning.<sup>5</sup>

<sup>1</sup> See reference in sketch of John Laurens, in Appendix I.

<sup>2</sup> John Laurens to Henry Laurens, June 1, 1778, in *S. C. Hist. Mag.*, vi., 106, and October 23, 1778, *ib.*, 110. James Lovell to Henry Laurens, Dec. 15, 1779, transcribed for *Letters from Members of the Continental Cong.* in Carnegie Inst., from Laurens MSS. in S. C. Hist. Soc.

<sup>3</sup> See reference in Chapter XXIV.

<sup>4</sup> Wharton, iii., 516.

<sup>5</sup> In a letter of June 20, 1783, to his nephew John Bremar, Laurens says that he has not received a farthing from his estates since he left South

This picture, in imagining which we are invited to join, of the penniless politician seeking the public pap bottle to eke out a difficult existence which his own reduced circumstances would no longer enable him to support, really translates us from the field of history into that of humor. The other reason for his desiring to get away—"his position in Congress becoming one of difficulty for reasons to be presently noted"—receives no specification further than the medley of misinterpreted facts and "it is said to be's" collected in the footnote two pages farther on. This suggests indeed a new and pleasing avenue of retreat for discredited politicians—to seek asylum from their woes by securing appointments to distinguished positions at the hands of the body in which their position has become untenable. Citing the Houston letter as evidence of his unpopularity is hardly to the point, in view of the fact that Congress allowed Laurens every privilege he desired in this matter and turned down his antagonist in a manner strongly suggesting displeasure at one who had presumed to attack a man who was something of a favorite. Strange, too, that this down-and-out gentleman should have continued to be elected at the head of the ticket to the most important special committees and on his departure should have been accompanied from the city until the Schuylkill intervened by an affectionate procession of the leading men of the State and Continental governments.<sup>1</sup>

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Carolina; that he had sent upwards of £4000 sterling before him to England, and had been plundered of all but £606, and that frequently he had to economize sharply. £1000 or £1500 worth of the indigo was lost.

Another side-light on Laurens's means at the time of his going abroad is the curious letter from James Lovell, Dec. 15, 1779, just referred to, expressing his willingness to be sent as secretary of Legation in Paris, partly because "2d is a certain conviction that I shall have every friendly aid from you advisory and pecuniary, and the 3d is that you will probably succeed  
\* in case of that event which makes it necessary to have a faithful hand now near him at his advanced age."

<sup>1</sup> For striking instances of his election to committees dealing with the most vital public business, see *Journals* for December 14, 17 and 28, 1778, and Oct. 4, 1779. The *Penn. Gazette* of Nov. 10, 1779, and the *Packet*

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\* Franklin.



But why continue to establish the obvious? Laurens's own statement to the Committee of Foreign Affairs, February 24, 1780, may conclude the matter:

My long delay' is a subject of grief to me, but Congress will be pleased to recollect that I made my coming to Charleston in order to present myself at the tribunal of my country, the *sine qua non* of my acceptance of a new mission.<sup>1</sup>

Leaving Philadelphia November 9th, he journeyed overland to Charleston, and it was while thus "before the tribunal of my

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of Nov. 11 contained the following notice identical in wording except that "Yesterday" in the former is "On Tuesday last" in the latter:

"Yesterday the Hon. Henry Laurens, Esq; sat out on his journey to Charlestown, South-Carolina, from whence it is said he will embark, to execute, at one of the principal Courts of Europe, an important trust committed to him by Congress. The great ability and strict integrity with which this Gentleman filled the important station of President of Congress acquired him universal esteem and respect, and his truly patriotic attention to the rights of the several States gained him the warmest affection of all who knew him, and of the people of Pennsylvania in particular.—Several Members of Congress, and a number of the principal Officers of the State, waited on him as far as the Lower Ferry on Schuylkill."

The identity of wording may be due to one paper's copying from the other, but might perhaps be explained by some friend of Laurens's having supplied the copy to both papers. An interesting incident indicative of esteem for Laurens was the naming in his honor a fort on the Tuscarawas river in western Ohio as an advance post against the Indians around Detroit. Winsor, vii., 455-6, states that it was there. The name was not unlikely connected with the fact that Laurens's friend Gen. Lachlan McIntosh was engaged in that region. Fort McIntosh lies to the east, upon the Ohio just before it leaves Pennsylvania. Winsor, vii., 455-6, states the date of the building of the latter as 1779 and of the former as 1788. Whether 1788 is an error for 1778 or whether Fort Laurens was rebuilt in that year I cannot say; but during Gen. Brodhead's expedition in 1779 it contained a hundred men. (*Mag. of Amer. Hist.* iii., 656, Nov., 1879.) Washington's opinion that its evacuation would encourage the savages around Detroit was the only reason for holding the difficult post. (*Penn. Archives*, vii., 569. See also General Index.) I thank Dr. I. Minis Hays, Secretary of the American Philosophical Society in Philadelphia, for bringing Fort Laurens to my attention and supplying the references.

<sup>1</sup> In sailing for Europe.

<sup>2</sup> Wharton, iii., 517.

country" that he was, in February, 1780, for the fourth time elected to represent his State in Congress.<sup>1</sup>

Thus terminated a career of two years and a half in Congress, marked throughout by great energy, ability, and patriotic devotion to the public good, and leaving little to regret save the insincere features on his part along with the rest of Congress in the breaking of the Saratoga Convention, his lack of impartiality in the Deane-Lee affair, his too ready and drastic criticisms and his petty quarrels with Drayton. His membership covered that period of the Revolution which has proved the most fatal to civic reputations and the most set with snares for men not armed with a high quality of sagacity, fairness and honor. Into none of these snares did he fall, and on some very critical occasions his action was such as to secure him a high place among the patriots of the Revolution. None of his contemporaries surpassed him in his broad national patriotism and liberality of view, untouched with sectional prejudice or selfishness, and probably none went beyond him in the steady devotion with which he disregarded family cares and comfort and material interests in giving his whole attention to public duty. It is true that he did not possess the commanding genius which could rally a loyal party upon a definite progressive platform; but the same must be said of every other man then in public life, and it is to be doubted whether any medicine of genius could have much hastened the natural progress of the country through the disorders of that period of its development. He had enjoyed the fullest measure of confidence of all the ablest and purest public servants both in the army and Congress, save a few from whom he was unhappily separated by the factionalism of the times, while his character led the Royalists to wonder that he should keep with abandoned rebels. As he had gone to Congress and continued there at great personal sacrifice solely from a sense of duty, so now under the same circumstances he was to enter upon a stage of his career marked by still greater losses and with mental and physical suffering added.

<sup>1</sup> *Gazette of the State of S. C.*, Feb. 9, 1780.

## CHAPTER XXIV

### MISSION TO THE NETHERLANDS AND IMPRISONMENT IN THE TOWER OF LONDON, 1780-81

ON the 28th of October Congress ordered the purchase of not over 100,000 pounds of leather in South Carolina for the northern army; Laurens, about to leave for his home, offered his services in the business. As the turn in naval operations delayed his intended early embarkation for Europe, he was able to attend upon his duties as a member of the State Legislature.<sup>1</sup> January 24, 1780, he wrote the Committee on Foreign Affairs that no vessel had sailed for Europe since his arrival, but that he had now engaged passage from Charleston on the French ship *Chimère*, expected soon to sail.<sup>2</sup> Disappointed in this and the enemy rapidly investing Charleston, he reported, February 14th, that he planned to take passage from North Carolina, leaving his own affairs to "exceeding heavy losses" on account of "my absence at this critical juncture," when the British were just beginning the campaign which was soon to result in the fall of the capital, the subjugation of the State and, save the Indian massacres, the most harrowing portion of the Revolution in any part of the country.<sup>3</sup> Ten days later he had actually placed his baggage on board a specially provided swift vessel in Charleston harbor to sail next day; but "that next day and another passed away without effect, when there appeared at anchor in front of Charlestown harbor about thirteen sail of the enemy's ships of war." He therefore went to Georgetown and secured a small schooner

<sup>1</sup> *S. C. House Journal, for 1779-80, MS.*, 127, 137, etc.

<sup>2</sup> Wharton, iii., 468.

<sup>3</sup> *Ib.*, 494, 516.

to take him either to Wilmington, Martinique or Chesapeake Bay as circumstances might dictate. Hearing that there was "an exceeding good vessel bound for France" at Wilmington, he sailed there, only to find the ship unready. From this place on the 14th of May he sent to his colleagues in Philadelphia the news, received the day before, of the disasters immediately preceding the fall of Charleston and took occasion to remark that the State could have been saved if his plan of arming trusty negroes had been adopted.<sup>1</sup> Being compelled by the vicissitudes of travel at that period to look about for another means of passage, and being informed that an armed French vessel was to sail from Norfolk for Lorient, France, he ordered his schooner to carry him there; but the captain and owner, regardless of their contract, refused to run the risk of capture in those waters. Mr. and Mrs. Pierce Butler welcomed his request to be allowed to sail early in June with them,<sup>2</sup> but this miscarried, and nothing was left but to repair to Philadelphia by land. The indigo, however, which he had collected to ship abroad for raising hard cash for the expenses of himself and perhaps other public ministers, he sent by his disobedient schooner to Cadiz. Seventeen barrels arrived in safety, but sixteen were captured.<sup>3</sup>

Laurens now repaired to Congress, partly on account of missing ships to the southward, but also on account of the great change wrought in public affairs and his own private fortunes by the capture of Charleston and the probable overrunning of the Carolinas. Arriving the last night in

<sup>1</sup> Authority for events since Feb. 14, mainly Laurens to Committee of Correspondence for Foreign Affairs, July 1, 1780, in Archives of the Department of State of the United States Government, vol., 89, p. 193. A full account of the question of negro troops will be found in the sketch of Col. John Laurens in Appendix I.

<sup>2</sup> Laurens MSS. in Hist. Soc. Penn., P. Butler to Laurens, June 9, 1780.

<sup>3</sup> To be exact there were 32 barrels and 1 firkin of indigo. At his request, Congress waived any rights which his previous offer might have established and allowed him to ship it on his own account. If he ever recovered the loss from the insurer, it was after long delay.—*Jours.*, xvii., 583 and 587. Laurens to Le Couteulx & Co., May 17, 1782, in Laurens MSS. in L. I. Hist. Soc.

June, the next day he made a full report to Congress, closing with the words:

Before I conclude, permit me, gentlemen, to observe and to assure you that a constant and steady attention to my public duties has been extremely detrimental to my private interests—by a personal application to the latter I might have saved as many articles in moveables from my estates as would have yielded me many thousand pounds sterling, these have been since taken or destroyed by the British troops or are now in their possession and I am at this moment reduced to such circumstances as would be grievous to a man who had not sincerely devoted his life and fortune to the service of his country.<sup>1</sup>

There appears reason to believe that he sought, or at least suggested, to be relieved of his mission; but Congress resolved that it was highly expedient that he set out for Europe as early as possible. In view of the loan's having been entrusted to John Adams and Laurens's new instructions being to investigate conditions and report information to guide in forming a treaty of amity and commerce, it appears that the latter was the chief reason in now requiring his service.<sup>2</sup>

The fact that Congress resolved on July 10th for the most speedy exchange of John Laurens, a prisoner since the fall of Charleston, suggests that this object may have been connected with his father's presence in Philadelphia.<sup>3</sup>

Purchasing at his own expense bills of exchange for 9640 livres in addition to the bills for 22,500 livres delivered him for his salary,<sup>4</sup> Laurens prepared to sail upon the *Mercury*, a brigantine of a crew of fourteen men and sixty-two tons burden belonging to Congress.<sup>5</sup> The *Mercury* was regarded as being as fast as any vessel in America, but was so small as to be at the mercy of any enemy who should succeed in coming within shot range. A sixteen-gun sloop was directed to accompany

<sup>1</sup> Archives of Dept. of State as cited above.

<sup>2</sup> *Jours.*, xvii., 590, 594, for July 7, 1780; Sparks's *Dip. Cor.*, ii., 461, n.; *Secret Jours.*, ii., 316, 320.

<sup>3</sup> *Jours.*, xvii., 598.

<sup>4</sup> Stevens's *Facsimiles*, 943. Stevens's work contains 71 facsimiles of documents in the British Public Record Office concerned with Laurens's capture and imprisonment, Nos. 920-970, in vol. x.

<sup>5</sup> *Ib.*, 930.

her as far as the banks of New Foundland and Laurens was instructed to order two other war vessels expected up the bay to join the convoy; but their captains failed to obey, and Laurens, after having left Philadelphia August 13th, and having waited lower down for several days for their promised return, put to sea.

A pathetic interest attaches to the voyage, as his gallant soldier son, promptly paroled from his recent capture in Charleston, had hastened to Philadelphia and accompanied his father down the river as far as Fort Penn.<sup>1</sup> Never again were these dear companions, as close in friendship as in blood, to look into each other's eyes.

The sixteen-gun convoy greatly impeded his progress, and as she was at best but a slight defense, when six days out she was ordered home. On the 3d of September, on the banks of New Foundland, the *Mercury* was captured after a five or six hours' chase by the *Vestal*, twenty-eight guns. Laurens burnt or sunk all papers which he considered of any importance, but neglected a number which he considered of no significance. Many of these were purely indifferent private letters, but unfortunately there were also a number of papers, some of at least quasi-public character, written by Dutchmen and calculated to be of help in his mission, such as a list of Dutch gentlemen friendly to the American cause and a draft of a proposed treaty. At the solicitation of his secretary the minister finally threw the balance of his papers overboard in a weighted sack; but the air buoyed up the mouth until the British hooked it out of the sea. The British captain was of Laurens's opin-

<sup>1</sup> Laurens's MS. diary of his voyage, capture and imprisonment, evidently the original from which he later expanded his published "*Narrative*." Of the many evidences of its being an actual day by day record which might be mentioned I will only call attention to the fact that its dates for interviews, etc., agree with those in the papers in the British Public Record Office as reproduced in Stevens's *Facsimiles*. The diary, a part of the Ford Collection in the N. Y. Pub. Lib., is in pencil, 27 pages, beginning Aug. 13, 1780, and ending with "alli-" on Dec. 6, 1781. Evidently an actual diary; is very brief and employs many abbreviations. It frequently gives interesting personal information which was omitted in the published "*Narrative*." Its 2900 words are expanded to 11,000 in the "*Narrative*."

cannot be regarded as the real cause of the war. Her conduct for months had indicated that she meant to crush the Dutch, who, as the principal neutral carriers, were of the greatest service to the French and Americans. Though united by treaties which ought to have guaranteed their remaining at peace if treaties alone could ever perform that service, the two powers had for months been drifting towards war. The provinces denied that England was justified in claiming their aid as guaranteed under certain conditions against the French; and England forbade their trade with the enemy, though it was protected by treaty. Each side in effect strained the interpretation of the treaty in its own interest so far as to make it of practically no significance. The Dutch gave deep offense, too, by allowing John Paul Jones to remain ten days in the Texel with his prizes after his victory over the *Serapis* and the *Countess of Scarborough*. But the sorest point with the British was the service of the Dutch West India island of St. Eustatius as the most valuable base of supplies from which the Americans could draw. They sent there vast quantities of products for shipment to Europe and received through that door a great part of their foreign supplies, particularly gun powder. The warehouses along the harbor of the little island, which had at the beginning of the war only a hundred and twenty white inhabitants and 1200 blacks, came by 1780 to bring an annual rental of £1,200,000.<sup>1</sup> The Dutch disregarded the rules against aiding belligerents, and the guns of Fort Orange fired the first foreign salute to the American flag. England, maddened to be baffled by this speck in the ocean three miles by six in size, was moved to strike by both hate and avarice. The forcible seizure of Dutch ships trading to France continued. Spain, on the other side, after joining the war against England, began the same practice by seizing two Russian wheat vessels on the pretext that their cargoes might be smuggled into Gibraltar. Empress Catharine, already viewing the seizure of neutral vessels with displeasure, promptly organized the "Armed Neutrality of the North," which was

<sup>1</sup> J. F. Jameson: St. Eustatius in the American Revolution; *American Hist. Rev.*, viii., 683. A very interesting and valuable article.

soon joined by the other Northern powers and later by practically every neutral state in Europe.<sup>1</sup> The rules which Catharine announced that she was determined to maintain by force were as follows:

Neutral ships shall be allowed to pass freely from port to port of either warring or neutral countries;

Free ships make free goods, except contraband of war, which is to be confined strictly to arms and munitions of war;

No blockade to be legal unless effectively maintained.

The Netherlands withheld their accession in the hope of obtaining in addition the Russian guarantee of the Dutch East India possessions.<sup>2</sup> England was meanwhile injuring the Dutch carrying trade by every means in her power short of actual war. Prudence forbade making war on the republic as a punishment for her intention of joining the Armed Neutrality or for practicing its rules. At this juncture occurred the capture of the Van Berkel treaty among Laurens's papers, which furnished the plausible pretext which England needed—a pretext she resolved not to be deprived of by any explanation or apology. She demanded of the Dutch a disavowal of the treaty "and an exemplary punishment upon the pensionary Van Berkel and his accomplices." The disavowal was prompt and ample, but to punish Van Berkel, the authorities of the United Provinces explained, they had no power. The demand was renewed; but the ministry, learning that the States General were taking steps to enter the Armed Neutrality, declared war on December 20th and swept into their net 15,000,000 guilders' worth of captures in European waters and £4,000,000 worth of booty in St. Eustatius.

The Dutch appealed to Russia to defend them in a war made upon them for maintaining the principles of the Armed Neutrality. England, with the duplicity common in such

<sup>1</sup> The treaty establishing what is known as the "Armed Neutrality" is in the *Annual Register* for 1781, p. 300. Signed between Russia and Denmark July 19, 1780; Sweden joined July 21; States General of the Netherlands accepted Nov. 20, 1780, and signed Jan. 5, 1781.

<sup>2</sup> Bancroft, v., 360, indicates that this was the action of the stadholder, taken as a means of serving England, to whose side he was committed.



cases, declared that the war was due to the projected American treaty, and Russia, with the selfishness equally common, accepted this explanation and declined to speak the word which might have saved the Dutch from their fate and gone far to establish a more enlightened code of maritime rights.

Laurens was much blamed for not destroying the Van Berkel treaty. He justified himself by arguing that no fair-minded person could consider the paper an occasion for war. But Laurens knew that the England of 1780 was not calm and fair-minded; he had in the Burgoyne affair been guided by his opinion that she was capable of any chicanery or violation of faith, and hence he cannot be acquitted of serious error of judgment in failing to protect his friends from every contingency by destroying the paper at the first suggestion of his secretary, Moses Young, who proved himself in this case the better diplomat. The lack of this timely pretext to England might have saved the Dutch from being attacked or have assured them the assistance of Russia.<sup>1</sup>

Laurens was taken first to the Admiral at St. John's, New Foundland. His treatment was as courteous as gallant officers could make it, even when in response to the toast of George III. he proposed George Washington. Some advised him when sailing to stop in London at the New Hotel. The name reminded him of another "New." I smiled, he says, and asked,

If there was not a hotel in London called Newgate.

Newgate! [exclaimed two or three;] they dare not send you there.

Well, gentlemen, wait a few weeks and you will hear of the hotel where I shall be lodged.<sup>2</sup>

The generous treatment at the hands of officers, such a contrast to what he was to receive from ministers, continued

<sup>1</sup> The publication of the draft treaty in the Netherlands raised a perfect storm of pamphlets, in the midst of which John Adams, who was there, issued a series of letters on the rise and progress of the American Revolution which served considerably to enlighten and win Dutch opinion on the subject.—Winsor, vii., 68, n.

<sup>2</sup> Throughout the account of Laurens's capture and imprisonment my authority is his published "*Narrative*" in vol. i. of the Collections of the S. C. Hist. Soc. where not otherwise specified.

as he was carried on board the *Fairy* to Dartmouth. Thence he was taken to London, stopping three nights in Exeter.<sup>1</sup> There he was urged to avail himself of his ample opportunity of escape; but he refused to abuse the confidence of his conductor, which he regarded as binding upon his honor as a parole. Besides, he had thought from the moment of his capture that he might be of service to his country in England.

Late on October 5th he arrived in London, where his treatment immediately became rigorous to the point of absurdity. The next morning he was taken before a number of the ministers and after protesting against the violation of international law in imprisoning an ambassador, and refusing under the obligations of that character to answer questions, he was committed to the Tower of London under suspicion of high treason committed at Philadelphia and on the high seas.<sup>2</sup> He was sent by a private route, as there was rumor of a rescue. The reason for thus confining him as a state prisoner on suspicion of high treason was explained by Lord North in Parliament, December 20, 1781, to be the necessity of preventing his liberation; since, if he had been confined as a prisoner of war, he would long ago have been exchanged and prosecuting the business to which he had been assigned by Congress.<sup>3</sup>

Laurens's treatment in the Tower varied with different persons. Major Gore, the residing Governor, was very arbitrary; General Vernon, the Lieutenant-Constable, was very courteous, and the lesser people all treated him with such kindness as they were able. He was lodged in the house of James Futerell, one of the wardens who was set over him,<sup>4</sup> and such a warm attachment sprang up with the family that he left a legacy to Mrs. Futerell, and Miss Futerell spent apparently a long period as a "very dear and valuable friend"

<sup>1</sup> The London newspapers, quoted by Peter Force in the *Historical Magazine*, xi., 130 (March, 1867), say that Lt. Norris was forced to stop at Newton Abbot on account of his prisoner's illness; Laurens says nothing of stopping there, and seems to imply that the stop-over at Exeter was due the Norris's desire to see friends.

<sup>2</sup> Stevens's *Facsimiles*.

<sup>3</sup> *Parliamentary History*, xxii., 877.

<sup>4</sup> Laurens's MS. diary in Ford Collection, N. Y. Pub. Lib.

in the family of Laurens's daughter Mrs. Ramsay after the war.<sup>1</sup> After being confined over a year, the prisoner wrote, "The wardens who were set to watch and incommode me are my faithful domestics." This perhaps helps to explain the contradictory reports which reached the public; for he might be represented as regarding his treatment as cruel or kindly according as he referred to those in authority or their humbler servants.

As he was entering the warden's house very sick, he heard the remark,

Poor old gentleman, bowed down with infirmities. He is come to lay his bones here.

My reflection was [he says],  
I shall not leave a bone with you.

He received then no medical attention, though his health was so low as to cause some of the attendants to fear for his life and kindly offer for his reading a work much used by serious-minded folk in those days, Drelincourt upon *Death*.<sup>2</sup> Others less spiritual but more spirited derided him the morning after his arrival by playing "Yankee Doodle," which, he says, aroused my "sublime contempt and rather made me cheerful."<sup>3</sup>

Upon the news of his imprisonment becoming known, wealthy English friends at once sent offers of all the money he should need, but these, it appears, were not allowed to reach him. He received promptly, however, from his dear friend

<sup>1</sup> Ramsay's *Memoirs of Martha Laurens Ramsay*, 236, 240. Laurens's will in Charleston county records.

Moses Young seems not to have been imprisoned. Laurens released him from his engagement as his secretary in May, 1782. Whether Laurens's negro servant George was allowed to serve him in the Tower does not appear clearly. The master left him at Amsterdam with some articles in June, 1782, they and he to be shipped to America.—Laurens's MSS. in L. I. Hist. Soc., Laurens to Young, May, 1782; to Edward Bridgen, July 4, 1782, and to (Gervais?) June 14, 1782; Laurens to Hillsborough, Oct. 6, 1780, in Stevens's *Facsimile*.

<sup>2</sup> Drelincourt was a French Protestant clergyman (1595-1669). His book is marked by extraordinary imagery, eloquence, and power. He was Martha Laurens's favorite author.

<sup>3</sup> Laurens's MS. diary in Ford Col., N. Y. Pub. Lib.

William Manning, whose daughter John Laurens had married, an expression of his sympathy at his misfortune, of which Manning had been immediately informed by Justice Addison.<sup>1</sup>

After a week's solicitations, Manning obtained through the intercession of the Bishop of Worcester an order to "suffer Mr. William Manning, Miss Manning, Mr. Henry Laurens Junr and a child of three years old to have access for once only at a convenient hour, and in presence of yourself, the gentleman gaoler, or other such person as you shall appoint to Henry Laurens Esqr."<sup>2</sup> The interview, which was allowed to last only thirty minutes, occurred the next day in the presence of three guards. His friends found him "very ill of a lax, much ematiated, and bitterly invective against the people here for his harsh treatment." Laurens was deeply affected at the meeting with his seventeen year old son whom he had not seen since leaving England six years before to take his part in the troubles of his native country in whose service he had come to such a point, and his grandchild whom he now saw for the first time after so recently bidding his last farewell to her father, whom she had never seen, or if at all, only as a newborn babe.<sup>3</sup>

The captive minister was not long in availing himself of the opportunity of influencing British opinion. About two weeks after he had entered the Tower a woman offered to deliver safely his letters, and through her he carried on in pencil a wide correspondence with his friends and some of the "rebel newspapers" in London. His "history of the apostate Arnold" gave much offense; the articles in general excited suspicion and one of the ministry remarked that "they smelt strong of the

<sup>1</sup> Stevens's *Facsimiles*, 946, and Laurens's MS. diary in Ford Col., N. Y. Pub. Lib.

<sup>2</sup> Extract from the warrant of permission, Oct. 13, 1780, in Stevens's *Facsimiles*, 949.

<sup>3</sup> Stevens's *Facsimiles*, 952; Digges to Franklin, Oct. 17, 1780, in Franklin's *Works*, x., 372-4. I may remark here that during the next few weeks Laurens received several visits of an entirely inconsequential character which he omits to mention in his *Narrative*.

His son Henry was attending Warrington school and when not there lived with Mr. Manning, who says to Lord Hillsborough he "has been my ward some years."—Stevens's *Facsimiles*, 970, 971, 957, 961.

Tower." Laurens had in fact converted his prison into an outpost in the enemy's country.

Immediately upon learning of Laurens's imprisonment Franklin took steps to serve him in any way possible. The ministry at the beginning gave out that the distinguished prisoner was well treated, but Manning's first visit served to expose this deception.

It is a strange thing to go forth [a correspondent wrote Franklin], but it is the generally received opinion that the orders for such harsh treatment were in consequence of an intimation from the first Man in this country now generally known by the appellation of *White Eyes*.

Every appearance indicates that this Mr. White Eyes is determined on prosecuting the American war vigorously.<sup>1</sup>

Laurens's account of his treatment is that it was accompanied by numerous petty vexations and was so harsh as to wreck his health. Governor Gore, he was informed, declared "I am determined to expose him," and certainly the report was not contradicted by his conduct. The prisoner was given the most conspicuous quarters, but he defeated his persecutor here by screening his windows with vines,<sup>2</sup> though he could not escape many vexations which Gore even exceeded his authority to inflict. By the order of the ministers he was kept in the sight of two warders every moment day and night, was denied pen and ink, the receipt or sending of any letter, or access to any person. His outer room, Franklin's agent reported, was not over twelve feet square, and adjoined a dark, close bedroom, "both indifferently furnished and a few books on his table." For everything, even room rent, he was required to

<sup>1</sup> Intercepted letter of "Wm. Singleton Church" to Franklin, Oct. 17, 1780, in Stevens's *Facsimiles*, 952. I cannot be sure whether "White-Eyes" refers to North or George III., though it is probably the latter. The same day to the same effect, Thos. Digges to Franklin in Franklin's *Works*, x., 372-4. William Singleton Church was simply the pseudonym of Franklin's rascally, thieving secret agent in England, Thos. Digges, and not unlikely his letter's being "intercepted" by the government was a piece of his treachery. A copy of the letter reached Franklin and is in his *Works*, x., 372-4.

<sup>2</sup> Same quarters, I have seen it stated, as formerly occupied by John Wilkes, though I do not know the truth of this.

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pay out of his own pocket, which drew from him the comment, "Whenever I caught a bird in America I found a cage and victuals for it."

It does not appear that the prisoner long lacked medical attention; for he records, December, 1780, the "30th Battalion Surgeon bled me, having been very ill the preceding night." A Dr. Grant was sent from outside March 15, 1781, but this was merely a ruse for spying upon him.

Franklin having been informed in reply to his inquiry that Laurens's treatment was outrageous, wrote, November 7th, to his old friend Sir Guy Cooper, Secretary of the Treasury of Great Britain,<sup>1</sup> asking his interposition to secure Laurens's liberty on parole, or at least such air, exercise and comforts as were proper. Cooper wrote to Gen. Vernon, the Lieutenant of Lord Cornwallis, Constable of the Tower, and thus the highest in authority, who replied, November 27th, that he had inquired in person of Mr. Laurens if he had any cause of complaint, and if he used his recent liberty of walking. He replied, says Vernon, "that he received every reasonable indulgence since his confinement, and that, by the liberty allowed him of walking, he found his health much mended." The inconsistency between this and Laurens's own account may be in part explained. Governor Gore had consistently harassed his prisoner, while his superior, General Vernon, had uniformly behaved with a courtesy which Laurens never failed to acknowledge. Vernon had obtained by his personal application to the ministers permission for Laurens "to walk in the Tower grounds." Gore without authority had refused to allow him the liberty except where he would be exposed to public gaze, until the 16th of November, when he assigned an unexposed walk before and within the armory. Here Laurens walked almost every day until December 3d, when the privilege was withdrawn. His remarks to Vernon, November 26th or 27th, come therefore within this brief period and were expressive of a proper gratitude to the author of this kindness, and not intended to give outsiders any idea of his situation. Cooper forwarded Vernon's letter to Franklin, who naturally relied

<sup>1</sup> Franklin's *Works*, viii., 165.

upon it for many months as proving Laurens's good treatment, "hearing nothing afterwards to the contrary" for about a year. Laurens remarks that the Lieutenant Constable, General Vernon, knew very little of his treatment, except as to his own behavior.<sup>1</sup>

A prompt and generous attempt at aid came from the Marchioness de Lafayette. October 18, 1780, she wrote the Count de Vergennes:

The capture and detention of Mr. Laurens in England has sensibly affected me. He is the intimate friend of M. de Lafayette, and took care of him during the time of his wound in a manner truly touching. His misfortune seems to me overwhelming, and when we consider the high station he has held in America, it is probable that it may become still more so. I know not if any means can be found to prevent it, or even to soften the actual rigors of his captivity; but I am persuaded, sir, if there are any such, that they will be known to you. Should it be possible, let me entreat you earnestly to put them in use.<sup>2</sup>

And the warm-hearted young woman proceeds to pour out advice as to who might help in the matter. The efforts of Martha and John Laurens were of course also without any result. Congress also undertook Laurens's release and the President notified Franklin, January 4, 1781, to request the aid of the French court.<sup>3</sup> Franklin replied that it appeared impossible. Thus Laurens, ignorant of the efforts in his behalf, came to consider himself neglected.

December 3, 1780, he was met in his walk by another state prisoner, Lord George Gordon, who invited him to join him. Laurens declined and immediately returned to his quarters. Nevertheless this closed his eighteen days of liberty; for

<sup>1</sup> Memorandum in Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> Sparks's *Dip. Cor.*, ii., 463; Wharton, v., 454. Lafayette, while in France in 1782, after Laurens's release, was equally generous as his wife. Hearing that Mr. Laurens was, as the Marquis had once described himself to that gentleman (who, as we remember, relieved him by a loan of \$6,000), "a little schort of money," he reciprocated the kindness by sending him a letter of credit for £500 sterling, which Mr. Laurens declined to accept. Lafayette's offer in *S. C. Hist. Mag.*, viii., 63, 184; ix., 175, and Laurens's reply of Aug. 6, 1782, in Laurens MSS. in L. I. Hist. Soc.

<sup>3</sup> Franklin's *Works*, viii., 254.

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Gore, despite the fact that the guards who accompanied Laurens acquitted him of all blame, strictly locked him up for the next eighty-one days.<sup>1</sup> Gordon went unpunished.

November 25th Laurens saw his granddaughter and Miss Manning;<sup>2</sup> December 14th his son Henry and Mr. Manning again, and from time to time these and other friends. January 3, 1781, he received a short, kind, and heavily guarded visit from his old friend and mercantile correspondent Richard Oswald. Regarding this there is in the British Public Record Office the following memorandum, purporting to be a report from Oswald:

Janry 3d, 1781.

Mr. Laurens, in a conversation with Mr. Oswald, said he wished that he would let any of the Secretaries of State know, that, if he was permitted to go to South Carolina on his Parole, he believes he could satisfy them that he could do considerable service to this nation.<sup>3</sup>

Laurens's entire course while a prisoner proves this to be a misrepresentation. Manning's and Oswald's anxiety to obtain the release of their friend led them, as we shall see, to make proposals which offended him. Oswald could hardly have intentionally falsified. Either he or someone else was under a complete misunderstanding. Laurens's entire notice of the interview is as follows:

1781. January the 3rd, Mr. Oswald gave a very short, but kind visit, in presence of officers, as usual. A general and unpointed conversation. He had been in Scotland until recently.

January 13, 1781, Oswald, Manning, and Henry Laurens, Jr., were all admitted.

Governor Gore's persecution did not incline Laurens to cordiality towards that gentleman. When he called his prisoner treated him with such coolness that "he looked

<sup>1</sup> Laurens says forty-seven days, but his *Narrative* shows it was eighty-one.

<sup>2</sup> MS. diary in N. Y. Pub. Lib.

<sup>3</sup> Stevens's *Facsimiles*, 960. The handwriting of the memorandum is similar to Manning's. It is endorsed in the hand of Sir Stanier Portem "3 Janrv 1781 Mr. Oswald."



awkwardly and retired," and when he informed Laurens, who had received cake from a friend, that he was to receive nothing except through him, he had to swallow the reply, "I will receive nothing through so dirty a channel." Gore sent him a newspaper containing bad news for the Americans, with the comment, "I fancy this will not please the high stomached gentleman." Laurens replied that he would soon return the compliment.

February 22d Laurens walked out for the first time in eighty-one days, Vernon having secured the veto of Gore's prohibition.

It was on the 26th of February that attempts were begun to seduce him from the American cause—a circumstance which proves how groundless is the memorandum of January 3d quoted above which represents him as offering his services. The principal agents employed were his three most intimate friends in England, Manning, Oswald, and General James Grant. There can be no doubt that they sincerely desired his liberation, and looking upon the war as a rebellion, they might conscientiously recommend steps which, though dishonorable for an American, would not appear so to them. On February 26th Oswald sent word that he had offered to pledge his whole estate for Laurens's good conduct, and that "their Lordships say, that if you will point out anything for the benefit of Great Britain, in the present dispute with the colonies, you shall be enlarged." Then and afterwards it was sought to intimidate him with fears of execution should the war prove only a rebellion and not a revolution. Laurens replied that he was not a rascal and did not fear the "possible consequences" of which his friend warned him; and as to pointing out anything for the benefit of Great Britain, he would only allude to the good advice often before given, that she should have treated her colonies with more kindness, which would have prevented the complicated war with them and France in which she now found herself.

These attempts were continued for weeks. Laurens knew that Oswald acted for the ministers from the fact that the guards retired for the first time when he called on March 7th.

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He need only write a few lines, said Oswald, saying that he was sorry for what was past.

"Sir," Laurens replied, "I will never subscribe to my own infamy, and to the dishonor of my children."

Oswald then again called up the vision of the scaffold.

"Permit me to repeat, Sir," replied Laurens, "that I am afraid of no consequences, but such as flow from dishonorable acts."

His friend's squeeze of the hand in leaving convinced Laurens that he had not been mistaken in thinking that he had been ashamed of his task. Lord George Germain thinking, surmised Laurens, that Oswald was too much the prisoner's friend, chose another agent. Just a week later General James Grant dropped in for a chat of "*only* three hours and a quarter."

After being very tedious he put his hand in his waist-coat pockets, and said, "Col. Laurens, I have brought paper and pencil to take down any propositions you may have to make to the administration, and I will deliver them myself."

Laurens instantly replied:

My dear General, I have paper and pencil, but not one proposition beyond repeating a request to be enlarged from this confinement upon parole. I think I have a right to expect the indulgence in return for my treatment of British officers and other British prisoners in America, which you are not ignorant of, and you must pardon me, General, for saying, I am ungratefully treated; attempts to soften and bend me by rigor will prove ineffectual. I had well weighed what consequences might follow when I entered into the present dispute. I took the path of justice and honor, and no personal evils shall cause me to shrink.<sup>1</sup>

Bungling attempts through other agents proving equally hopeless, they were discontinued for several weeks. It was during these solicitations that John Laurens arrived in Paris as special envoy. Laurens was informed that this "was very much resented, was very injurious to me," and caused his con-

<sup>1</sup> We see Laurens here urging the same ground for consideration which, when put in a petition to Parliament, gave such offense in Congress. Laurens never dreamed that he was compromising the honor of an American representative or making any "submission" by calling attention to the fact that when he had Englishmen in his power he treated them with generosity.

finement to be "the more rigorous," and that his writing to his son to withdraw from France "would be well taken at the British court." It is unnecessary to detail the terms in which this stupid and dishonorable suggestion was repelled. On the 20th of June the solicitation to forsake America was renewed in milder form and Laurens was told that if he would only allow a friend to signify his willingness to accept a pardon all would be well. To this attempt to seduce him into the acknowledgment that the Americans were rebel subjects, he replied that, as he had committed no crime, it was impossible for him to accept a pardon, and concluded the correspondence in terms as strong as his feelings for his friends Oswald and Manning would admit.

We now arrive at an incident which will probably be considered the most blame-worthy act of Laurens's during his imprisonment, but which an explanation will very much relieve. Three circumstances led him, June 23, 1781, to present a petition to the ministers: first, the depletion of the fund in hand out of which he had been paying for his support in prison; second, the need of conferring with his son regarding his further education, and third, the desire to refute false reports that he had been an extreme and merciless partisan in his former relations with England which had been circulated with a view of injuring his reputation and occasioning a rigorous treatment during his imprisonment. Johnson, in his *Traditions of the Revolution* very justly surmises Laurens's motives in enumerating his past history in the similar second petition to be noticed presently, as is proved by his "parody" in which he so far paraphrases it as to bring out this meaning.<sup>1</sup> It was gratifying to me after having formed this same view from studying the petition itself to run upon an unexpected confirmation in the copy preserved by Laurens which bears explanatory annotations which he did not attach to the copy sent to the ministers. This appears in detail in the notes below and is proved by the general declaration contained in the following endorsement by Laurens on the back of this copy:

<sup>1</sup> *Traditions of the Revolution*, 20.

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Representation & Prayer to the Secretaries of State 23d June, 1781.

The Representations were intended to refute malicious accusations which had been whispered to the Ministers, particularly the 5th & 14th.

The Prayers are such as common humanity would grant.

But justice, humanity & the law of retaliation, are inverted.

Two declarations of Capt. M. & Capt. B. are within.<sup>1</sup>

In reproducing the petition as sent to the ministry I shall therefore insert as footnotes these explanatory annotations which the petitioner wrote on his own retained copy perpendicularly in the left hand margin by the sections to which they respectively referred:<sup>2</sup>

<sup>1</sup> This copy is among the Laurens MSS. belonging to the L. I. Hist. Soc. and has never been used before for the purposes of any publication.

<sup>2</sup> The MS. from which I reproduce the petition has an extremely interesting history, with a tantalizing dash of mystery. Though it is a petition to be allowed the use of pen and ink which the petitioner consistently here and in his *Narrative* represents himself as deprived of, besides his specific statement that he wrote this particular paper in pencil, yet the manuscript has every mark of being the original from his own hand and is in ink. It is in Laurens's hand and is written on the folio pages of a blank book, numbered from 322 to 335, the numbers being erased on some pages and the holes of the binding thread still intact. The creases where the writer folded the paper still show plainly, and on the back is the endorsement in the same hand, without any doubt, that wrote Lord Hillsborough's letters in Stevens's *Facsimiles* :

Representation from  
Henry Lawrence Esq<sup>r</sup>  
to the three Secretaries  
of State.

recd. from Col. Gore  
23 June 1781.

The misspelling of Laurens's name is the same as in some of Lord Hillsborough's letters. Below this endorsement is a knife-erased line on whose few remains I spent much time in the hope that it might reveal something of the history of the paper. The hand of the endorsement is either that of Hillsborough or his secretary, probably the latter.

Laurens tells us that friends frequently inked over his penciled papers before their delivery and tells us that the copy of this paper which he preserved for himself was "copied from the penciled original by a friend." Either some friend did this for the petition before it was delivered or it was done in the State Paper Office for preservation. The original of the manuscript was acquired by the New York Public Library as a part of the Emmet Collection. Thomas Addis Emmet got it at the sale of another

To

THE RIGHT HONORABLE

THE EARL OF HILLSBOROUGH

THE RIGHT HONORABLE

VISCOUNT STORMONT

THE RIGHT HONORABLE

LORD GEORGE GERMAINE

HIS MAJESTY'S PRINCIPAL SECRETARIES OF STATE

The underwritten Representation and Prayer of Henry Laurens close Prisoner in the Tower of London is with all possible Respect and deference submitted.

1st. That the Representer was bred up in principles of Loyalty Love & attachment to the Royal House of Brunswick, & through all the Changes which have happened of late years he hath never lost his affection to GREAT BRITAIN.<sup>1</sup>

2d. That in the Year 1756 or 1757. he was elected one of the Representatives in the General Assembly of South Carolina for Charles Town & regularly reappointed to the same Duty from time to time till the unpropitious Epoch 1775.

3d. That in his Public Character he never did nor consented to any Act derogatory to the Honor of the Crown or repugnant to the Constitution of Great Britain—that always to the utmost of his, very limited, abilities, he supported the prerogatives of the King & the true Interests of the people not deter'd by the stigma of "King's Man & Governor's Man" sarcastic-

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famous collector, S. L. M. Barlow, in 1889, in whose possession it was when first published, in August, 1886, in the *Historical Magazine*, x., 233. It was later published in the *Bulletin of the N. Y. Pub. Lib.*, ii., 44, Feb., 1898. Barlow bought the most valuable part of his collection from Thomas Aspinwall in 1864, this paper probably among others. Aspinwall was American Consul in London, 1815-53, and probably bought the paper from the collection of a certain trusted clerical official in the Public Record Office, a noted collector of Americana who, it would appear, could not resist the temptation of adding to his treasures a most interesting paper at that time of no practical importance to the government. This collection was sold during Aspinwall's residence in London. That the paper in New York is the original which was removed from the British Public Record Office is certain from the facts, supplied me by the present Secretary, Mr. R. A. Roberts, 27 March, 1914, that the two depositions which accompanied the petition are still there and that the numbering of their pages is 336 to 343, while that of the petition is 322 to 335. I am indebted to Mr. Wilberforce Eames, of the New York Public Library, in tracing the history of this paper.

<sup>1</sup> On the margin opposite paragraph 1st, is written in the copy kept by Laurens (L. I. Hist. Soc. Col.): "it has been said he was bred in republican principles & was a determined enemy to the Br. Govt."

ally affix'd to his character by some of his fellow citizens—for general proof of these facts, he dares appeal to the several Noble Lords & Honorable Gentlemen who have been Governors of So. Carolina & three neighboring Provinces.<sup>1</sup>

4th. That his conduct & actions in private life were strictly conformable to his professions in public.

5th. That he was a Merchant upwards of Twenty Years in very extensive Commerce, that he never did in any one Instance wilfully violate or infringe upon the Act of Navigation, which he ever held as a sacred Pact between Great Britain & the Colonies; on the contrary, he ever discountenanced & as much as in him lay discouraged, every attempt to illicit Trade to the prejudice of the Revenue and the Legal Rights of Great Britain, although temptations to enter into such Trade have been held out to him with prospects of great gain by persons in this Kingdom, & once by a Collector of His Majesty's Customs with the highest probability of safety from detection, of all which, he can give proof.<sup>2</sup>

6th. That in the Year 1764. when it was intended to Tax America by Stamp Duties, altho' the Act appeared to him to be unjust & he was convinced it was at least impolitic, he recommended in the House of Assembly of So. Carolina, the Constitutional mode of Petitioning and Treating for redress, in preference to the Novelty of a general Congress & that he refused to Vote for Delegates to the Congress which met at N. York 1765.<sup>3</sup>

7th. That in 1765 he was summon'd as a Member of Assembly to attend a public meeting of the People, where he found the deliberations to be, upon means for seizing the Stamp'd Paper just arrived in Charles Town & for awing the Officers appointed to distribute it. That he express'd peremptory dissents to every proposition leading to Violence & again strongly urg'd Petitions and expostulation, pledging his whole Fortune that Petitions would be received & favorably discuss'd; That in resentment of his declarations on that occasion, he was publicly charged as an Abettor of the Stamp Act, his House beset at Midnight by a large Body of Arm'd Men, who under pretence of searching for Stamp'd Paper violently seiz'd his person, threatened his Life, & greatly affrighted & annoyed his family; but being unintimidated himself he would concede to none of their very many propositions & demands, but he reiterated his recommendation to Petition & ca again pledging his Life his reputation & Estate upon the Wisdom & Justice of the King & the Parliament of Great Britain.

<sup>1</sup> Opposite "3d" in Laurens's L. I. Hist. Soc. copy: "That his republican principles naturally led him into factious opposition to the K's. Gov't."

<sup>2</sup> Opposite "5th" in Laurens's L. I. Hist. Soc. copy: "That he had been one of the greatest smugglers in America, & always opposed & eluded Acts of Parliament for regulating the Plantation Trade."

<sup>3</sup> Opposite "6th." in Laurens's L. I. Hist. Soc. copy: "That he had been a principal promoter of the disturbances in America in 1765 & ca."

8th. That in the Year 1767 or 1768. when the Colonists entered into general Resolutions for counteracting the internal Tax or Duty on Paper Paint Glass & Tea, although the Representer had invariably deposed himself as, in his judgment, became a good Subject & Citizen, although he enjoyed the universal esteem of the people as an honest Man & was class'd among the most wealthy, he was not held to be a fit person in any Committee for enforcing those Resolutions. "He was a King's Man & had a predilection to Great Britain."

9th. That in the Year 1774 being in London, the Representer join'd with other American Subjects in Petitions which were presented to the King & both Houses of Parliament on American grievances.

And that being invited thereto when he deliver'd one of those petitions, he had the honor of intimating his sentiments to the Right Honorable the Earl of Dartmouth, to this effect, "that if the Bills respecting America then pending in Parliament should pass into Acts the people of the several Colonies from Georgia to New Hampshire would be animated to form such an Union & Phalanx of resistance as he had theretofore believed nothing less than a divine Miracle could establish."

10th. That in October 1774 he left London embarked for So. Carolina & arrived at Charles Town early in December.

11th. That upon his arrival, he was ask'd if he had not Petitioned The King Lords & Commons & what Answers he had received? and a Memento was sounded in his Ears of the Guarantee which he had so often taken upon him, & of his Pledges.

12th. That he nevertheless anxiously wish'd & most ardently strove to confine the growing dispute between this Kingdom & the Colonies within bounds admissible of an happy reconciliation—that for himself as an Individual, notwithstanding the Seeming injustice of Taxing America he would have submitted to the imposition in preference to a breach with the Mother Country from an assurance in his own mind, that the certain impolicy & unprofitableness of the project, would after a few Years experience, induce His Majesty's Ministers to abandon it.

13th. That before the commencement of hostilities he persisted in discountenancing all acts of compulsion & violence towards Men who acted honestly & consistently, however much they might differ from the American *Resolutionists* in political tenets. & that to every such person coming within his sphere, he extended consideration, humanity, kindness.<sup>1</sup>

In one instance of his impartiality towards persons deem'd, "suspected & disaffected" he incurr'd such displeasure and resentment as oblig'd him to take the Field & stand up to be shot at by a Youth who was Born, after

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<sup>1</sup> Opposite "13th" in Laurens's L. I. Hist. Soc. copy: "That he had been a most virulent prosecutor of Loyalists whom he had greatly injur'd in many instances."

he had been a Father of Children. very many men there are, some now in London, who will bear testimony to these facts.

14th. That when a motion was urg'd in an Assembly of the People of So. Carolina for prohibiting the Payment of debts due in Great Britain, the Representer opposed the measure to the utmost of his power, & finally declared, he would not hold himself bound by a Resolution which his Conscience inform'd him was unjust and iniquitous. this fact is well known by a Gentleman who was present at the time alluded to & now in London.<sup>1</sup>

15th. That after his arrival at Charles Town as above mention'd he writ & continued writing to his friends in England, lamenting the prospect which the times presented & pressing for their exertions to avert the Evils which he predicted as consecutive to the subsisting animosity. & so late as the 27th February 1776, in a letter to Will: Manning Esquire. he express'd his feelings in the following terms.—

"I weep for Great Britain, I love & reverence her, but alas! I perceive I am to be seperated from her & that my children are to be call'd by some new Name."

"The cry here is, 'let us resist against violence, we cannot be worse off than we are, one Year more will enable us to be 'ndependent.' Ah! that word cuts me deep, I assure you I feign not, when I say the bare expression has caus'd tears to trickle down my Cheek; We wish not for Independence, but Britain will force a seperation & Independence will soon follow."

"My Son will shew you a Pamphlet lately publish'd in Philadelphia & republish'd here. (*Common Sense on American Independence*)

"The Doctrines contained in it are not relish'd with us yet. AND NEVER WILL BE, if Great Britain will act Wisely hereafter."

He also writ to the same effect in a Letter to Richard Oswald Esqr. which letter Mr. Oswald laid before Lord Dartmouth.

The Representer was unapprized of the line of seperation, which was at the time of his writing drawn or drawing by an Act of Parliament.

16th. That in June 1775. When an Association was forming by the People of South Carolina for defence, & Articles for that purpose reduced into writing to which the Representer was order'd to sign first, he absolutely in the face of the People, refused to set his Name without certain previous reservations, which he then explain'd.

1st. Saving his Allegiance to the King.<sup>2</sup>

<sup>1</sup> Opposite "14th" in Laurens's L. I. Hist. Soc. copy: "That he had proposed & effected the resolution for nonpayment of debts due to Great Britain."

<sup>2</sup> "from a cursory reading of the Articles he apprehended they looked a little beyond mere defence." (This note is in the original in N. Y. Pub. Lib. as well as in Laurens's L. I. Hist. Soc. copy. The latter has also at this



2nd. Charity towards his friends & others who might refuse to sign the Paper.\*

And here he cannot forbear remarking that the then Lieutt. Governor, who as he is inform'd is present Lieutt. Governor of So. Carolina, to whom the Articles had been tendred for his signature, intimated his approbation of the measure & regretted that he could not resign his Commission into proper hands & thereby qualify himself for signing the Association.\*

The Representer does not introduce this as an invidiōs charge against Mr. Bull, his meaning is to display to Your Lordships the very high encouragement given to the People (some of whom were doubting) to believe themselves right & to enter into a defensive Band.

17th. That after the actual commencement of Hostilities & open War declared by Actions on both sides, the Representer persever'd in his attentions to honest & consistent Nonconformists, not only to Individuals but to whole bodies of Quietists. He also embraced every opportunity of alleviating the distresses of British Prisoners of War, for many of whom he obtained Parole enlargement to work their Exchanges, to others he lent or gave Money or other necessaries according to their respective needs, & here he might produce a Cloud of Witnesses & among others appeal to Civil Officers & Officers of the British Army & Navy, but he forbears troubling Your Lordships with any more than the voluntary Declarations of Capt. Lach: McIntosh & Capt. Peter Bachop, Copies of which will accompany this.

18th. That since the Representer's confinement in the Tower he has learned that many false & injuriōs Reports respecting his conduct in America have been circulated & particularly that Your Lordships have been induced to believe, he was a Promoter of a certain Vote of the Assembly in So. Carolina for remitting £1500. Stg. in the Year 1769. to the Society for supporting the Bill of Rights in London.

When that Vote pass'd, he was 160. Miles distant from Charles Town & had received no premonition of the intended Act, his first information

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point the following additional note: "being then President of the Provincial (not Continental) Congress.")

\* "One Article declared, that every Man who should refuse to sign should be deem'd an Enemy to his Country & treated accordingly against which he strenuously excepted & never would conform to."—(This note is in both copies.—D. D. W.)

\* "An Answer in such terms was delivered as from the Lieutt. Governor to the People, by his Nephew Stephen Bull Esqr. repeated by his Nephew W. H. Drayton Esqr. and again by both, possibly the Lieutt. Governor might have design'd only to amuse the people, be that as it may, the intimation had its effect, it was grateful & highly encouraging to them.

all this he can also prove."

(This note is in both copies.—D. D. W.)

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of it was gather'd from a News Paper which he read in the Country & immediately in presence of divers persons pass'd his Censure in very plain language, "these Chaps will get a rap o' the knuckles for this."

It is true he regretted the mode of resentment afterward adopted by His Majesty's Ministers which manifestly threw an advantage into the hands of those persons who originally were transgressors & who might have been easily & effectually check'd upon the spot by constitutional applications without giving any trouble to Ministry; the Lt. Governor might even have prevented the Vote or Payment of the Money out of the Treasury.

In vindication of himself under this Charge he may appeal to the Right Hon<sup>ble</sup> General Conway & to Charles Garth Esquire sometime Agent for So. Carolina.

In a word the Representer never acted the Demagogue or Incendiary of the People, never suggested or promoted any measure which could possibly be affrontive to His Majesty or tend to disturb the order of good Government & he cannot forbear contrasting the present circumstances of persons who did act in such Characters & persecuted him as described above who are now treated as Prisoners of War & also in possession of their Estates—with his own.

19th. That he was taken Captive on the American Coast, & first landed upon American Ground where he saw before his Eyes, Exchanges of American Prisoners in Negotiation, & enlargements, one at least, granted upon Parol.

20th. That he has been upwards of Eight Months & an half a Prisoner in the Tower, great part of that time in very close & painful confinement, almost totally deprived of the company of his nearest friends & relations & particularly of his Son, a Boy in his Eighteenth Year.

21st. That he hath, during his Imprisonment lived entirely at his own expense & now begins to need a supply of Money for the further support of himself & his Son.

Grounded upon the Premises the Representer humbly presumes to Pray.

That Your Lordships will be pleased in so far to mitigate the Rigor of his Imprisonment as,

First, to grant him the use of Pen & Ink (which he is informed cannot be allowed with *sic* special permission from Your Lordships) for writing a draught or draughts on a Merchant in London (John Nutt Esquire) who is indebted to him.

*And secondly*, to permit his Son to visit him once twice or thrice as the Interesting occasion may require for the sole purpose of consulting upon a Plan for the Young Man's future conduct in Life. Together with such further indulgence to the Representer & Petitioner as to Your Lordships Wisdom & Goodness shall seem fitting.

In conclusion; as the Representer & Petitioner enjoys not the benefit of the advice of Counsel, the assistance of an Attorney or even of the opinion of a judicious friend & as he is unpracticed in the Executive of forms of this

kind, he implores Your Lordships indulgent construction & Interpretation upon any & every part of the preceeding lines which to Your Lordships may appear censurable or exceptionable & that Your Lordships will condescend to listen to him while he assures Your Lordships that he regrets exceedingly the necessity which he finds himself under to take up one Moment of Your Lordships attention.

HENRY LAURENS.

Tower of London, 23d June 1781.<sup>1</sup>

Out of this mountain of representation, then, there issues this molehill of petition: that he be allowed to draw on John Nutt and receive several visits from his son. The motive of the preamble is plainly to secure an amelioration of his situation by putting his previous relations to Great Britain in as favorable a light as possible in correction of the erroneous statements which had been circulated to his injury. The propriety of his action we shall consider when narrating the discussion in Congress of his similar later petition.<sup>2</sup> We may remark here that the conciliatory line which he adopted was plainly due in great part to the persuasion of Oswald and Manning, who all along influenced him as strongly as possible in this way, and particularly of the latter, who must have supplied him with the extensive verbatim extract, exact date included, of the letter quoted in the petition and probably also with the depositions of McIntosh and Bachop. Manning's efforts with the Ministry in seeking to minimize his friend's revolutionary conduct were pathetic and went further than Laurens would follow.<sup>3</sup>

The petition was met with total silence, if indeed the ministers ever saw it; the prisoner continued to buy his bread from his dwindling cash, and Hillsborough's secretary replied to applications for his son to visit him:

<sup>1</sup> At end of the copy retained by Laurens is note: "Now (in October) on the verge of real necessity No provision made for his support, & his prayer to draw for money due to him, refused by, the most grating of all denials, a total silence & delay." (Same repeated just below with a few words changed.)

<sup>2</sup> Chapter XXV.

<sup>3</sup> Cf. Manning to Hillsborough, Apr. 3, 1781, July 21, 1781, etc., in Stevens's *Facsimiles*, 965, 972, 974, and 975.

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What necessity is there for seeing his father? Can't he be satisfied with hearing that he is well in the Tower?<sup>1</sup>

The philosophical prisoner therefore continued to occupy himself during the spring and summer copying large extracts from Gibbon's *Decline and Fall of the Roman Empire*, in which he drew parallels to the conduct of England during the existing war. This he circulated among the friends of America in and out of Parliament. His testimony to many instances of shocking conduct of the British troops in America was believed, besides many facts of which even the first classes in England were wholly ignorant. "For obvious reasons" he declined to permit the "book" to be published, but it evidently was not without effect. He also circulated in the same way a vindication of Congress in suspending the embarkation of Burgoyne's troops, which, he asserts, converted many gentlemen who had censured that act.

The captive ambassador was by this time becoming a distinct embarrassment. He records, September 23, 1781, that for some time past he had been strongly urged by friends to make his escape, upon the assurance that he could easily reach the continent. He steadfastly refused to leave the Tower save as he had entered—through the door opened by the hand of authority. His surmise is reasonable that the plan originated higher up, on account of the embarrassing situation in which his treatment had placed the ministry. A little later he was told that they wished to get rid of him, but differed as to the proper means, and he was in fact informed by one near the government, December 6th, that his confinement was near an end.

October 8th Laurens was presented with a bill for £97 10s., pay for the two warders who had guarded him for a year. He laughed at the demand and replied:

This is the most extraordinary attempt I ever heard of. 'Tis enough to provoke me to change my lodging. . . . If I were possessed of as many guineas as would fill this room, I would not pay the warders, whom I never employed, and whose attendance I shall be glad to dispense with. Attempts, sir, to tax men without their own consent, have involved this

<sup>1</sup> Laurens MSS. in L. I. Hist. Soc.

kingdom in a bloody seven years war. I thought she had long since promised to abandon the project.

The two gentlemen who came with the demand agreed that it was unreasonable and said that if he had complied his money would have gone into a certain official's pocket, as a like sum would have been drawn from the treasury.

Very well, gentlemen [he replied]; he may plunder your own treasury; he shall not cheat me if I can prevent it.

The occasion served to remind him of his ebbing funds and two days later he vainly reminded Lieutenant Constable Vernon in a penciled note of his petition three months and a half before to draw on Nutt.<sup>1</sup> His funds being exhausted and his health very much impaired with the gout, the impression got abroad that he was in danger of starvation. Wealthy merchants and nobles poured in delicacies almost daily, with which he made happy the kind subordinates about him. The Governor took alarm and begged him to make known his wants to the ministers, but he refused, saying that he had long ago informed them of his condition in requesting permission to draw upon Nutt. As a matter of fact he had command over ample funds and could have borrowed any amount. "My worthy friend, Gabriel Manigault, Esq., had given (Mr. Manning) direction to apply all his money in Mr. Manning's hands to my use if needful." Mr. Manning also

had a considerable balance of mine in hand. I had a large sum deposited in France, but I was resolved that I would drive their Lordships either to make proper provision for me, or to allow me the use of pen and ink to draw upon John Nutt, upon whom only I would draw. I was persuaded that they would boggle at making provision.<sup>2</sup>

And "boggle" they did. Though Laurens refused to address

<sup>1</sup> Stevens's *Facsimiles*, 976. See Hillsborough's childish reply to Vernon, *ib.*, 978, consenting to the request. The matter appears to have been neglected until a further protest from the prisoner, as will appear below.

<sup>2</sup> This is the same Henry Laurens who Wharton tells us sought a foreign appointment carrying £1500 as payment in full for salary and expenses in order to mend his finances.

the ministers again the Governor saw to it himself, and the next morning, October 30th, pen and ink were brought in and the moment the draft for fifty guineas was drawn were removed. Nutt paid the draft.

The "high stomached gentleman," all whose tart words were carried straight to the ministers, soon had another opportunity to give them a sting. That mediocre and arrogant individual Lord Hillsborough angrily refused a humble petition of Laurens's seventeen-year-old son to see his father. "That fellow! that fellow!" exclaimed Laurens to the bringer of the news; "if he and I were in a strange country, without money in our pockets, I should be obliged to maintain him; he has not understanding enough to get his own living"; all which was faithfully reported to his Lordship.

Whether this language or the gift of a turtle from Mr. Manning obtained the desired permission three or four days later, Laurens professes himself unable to say.

Governor Gore also felt the rough side of his tongue. He sent saying he was sure from what he saw in the papers that his prisoner corresponded with Mr. Burke.

Sir [replied the prisoner], tell the Governor I am sure he corresponds with the *Morning Herald* from what I have seen in that paper,<sup>1</sup> . . . tell him he may go on printing in the *Herald*; fifteen lies will not make one truth.<sup>2</sup>

In August, 1781, Edmund Burke took up Laurens's case, nor did his interest flag until the prisoner's release. Among his plans suggested was a pardon, but Laurens answered Burke in December that he would not connive at or benefit by even a secret or unsolicited pardon, as it would be an implied confession of guilt, place him under obligations to the King, and make him an object of contempt in both countries.<sup>3</sup> To Manning, apparently,<sup>4</sup> he wrote about the same time that he would accept death at the hand of his captors rather than par-

<sup>1</sup> About his being satisfied with his treatment, perhaps.

<sup>2</sup> Laurens MSS. in L. I. Hist. Soc.

<sup>3</sup> MS. for his *Narrative* in L. I. Hist. Soc.

<sup>4</sup> Laurens to — ? in Laurens MSS. in L. I. Hist. Soc. Though the address is wanting there can be no doubt that the letter was to Manning.

don, as the latter would imply guilt. He continued in words which indicate the nature of the solicitations which his friend had been making:

You know my opinion on this particular point. I repeat, that I wish the prosperity of Great Britain, but I cannot believe a forced dependance of America will contribute to it. And with respect to America I believe she (meaning the present Union) will never be so completely happy under the supposed advantages of Independence as she was in her connexion with this Kingdom in 1763. or 1762.

God forgive those on both sides who first projected the mischiefs which have involved us in our present difficulties—they have much to answer for.

It was during these later months of 1781, harassed more severely than usual by the gout, irritated by more than a year's imprisonment, and plied industriously by Oswald and Manning in the British cause—and the solicitations of these friends must have constituted the severest of his temptations—that Laurens began to feel very keenly the neglect of Congress. Not until November 29, 1781, did the first semblance of comfort from his government reach him—a smuggled letter from Franklin to the London agent for American prisoners saying he was glad to learn that he was contented with his treatment and directing the agent to supply him with £100. John Adams ordered a similar amount placed at his disposal.<sup>1</sup> Laurens declined this "drop of water from the very tip of Lazarus' little finger," and noted that this was the first consolation he had received from his country. "But they were

<sup>1</sup> Wharton, i., 582, says that "statements supposed to have emanated from him as to the brutality of his treatment were contradicted by other statements to which his name was subscribed." I think Wharton is mistaken in saying that any such statements were over Laurens's signature. I notice that in giving an account of the debate in Parliament in December, 1781, he transforms the statement reported in the *Annual Register* for 1782, p. 148, that a letter was produced from the Lt.-Governor of the Tower, dated November, 1780, about Laurens, into the statement that Lord George Germaine said that he had a letter of November, 1780, from Laurens. (Wharton, i., 583, and v., 743.) The words of the *Annual Register* make it plain that it was Vernon's letter of November 27, 1780, to Cooper, referred to above (p. 367) or practically a duplicate of this. Laurens positively asserts that the statements of his being satisfied with his treatment were false.

poor and torn by parties," he reflected by way of apology, and continued with the self-satisfaction which sustained him alike in prosperity and adversity, "Mr. Laurens had been a strenuous opposer of the corrupt and wicked party, often the strongest."

The bringing of Laurens's case before Parliament was due to Franklin and Burke. On August 15, 1781, Burke, on his own impulse solely, wrote to Franklin to secure the exchange of Burgoyne. Franklin replied informing him of the resolve of Congress to offer Burgoyne in exchange for Laurens and requested Burke to execute the arrangement. When Parliament met Burke early called attention to the treatment of the prisoner. December 1st Laurens received from him an invitation to petition the House of Commons for release or easier treatment. In response he penciled that same day on the flyleaf of a book a petition in the following language, Mr. Burke not having sent the "safe and inoffensive form" he promised—an omission which proved very damaging to Laurens in America:

To the Right Hon. Charles Wolfran Cornwall, Speaker, and the Hon. the House of Commons:

The representation and prayer of Henry Laurens, a native of South Carolina, sometime recognized by the British Commissioners in America by the style<sup>1</sup> of His Excellency Henry Laurens, President of Congress, now a close prisoner in the Tower of London;

Most respectfully sheweth, That your representer for many years, at the peril of his life and fortune, evidently<sup>2</sup> laboured to preserve and strengthen the ancient friendship between Great Britain and the colonies; and that in no instance he ever excited on either side the dissensions which separated them.

That the commencement of the present war was a subject of great grief to him, inasmuch as he foresaw and foretold, in letters now extant, the distresses which both countries experience at this day.

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<sup>1</sup> Wharton has "stile and title."

<sup>2</sup> I follow the *Annual Register* for 1781, 322. Wharton, v., 744, gives "ardently" instead of evidently, but states that the Parliamentary History has evidently. Peter Force, in *Hist. Mag.*, ii., 133, also has "ardently." In view of the fact that the Parliamentary History and Burke, the editor of the *Annual Register*, who presented the paper, have evidently, I do not see the justification of changing it to ardently.



In the rise and progress of the war, he extended every act of kindness in his power to persons called Loyalists and Quietists, as well as to British prisoners of war; very ample proofs of which he can produce.

That he was captured on the American coast, first landed upon American ground, where he saw exchanges of British and American prisoners in course of negotiation; and that such exchanges and enlargements upon parole are mutually and daily practiced in America.

That he was committed to the Tower on the 6th of October, 1780, being then dangerously ill; that in the mean time he has, in many respects, particularly by being deprived (with very little exception) of the visits and consultations of his children and other relations and friends, suffered under a degree of rigour almost, if not altogether unexampled in modern British history.

That from long confinement, and the want of proper exercise, and other obvious causes, his bodily health is greatly impaired, and that he is now in a languishing state: And,

Therefore your representer humbly prays your Honours will condescend to take his case into consideration; and, under proper conditions and restrictions, grant him enlargement, or such other relief as to the wisdom and benignity of your Honours shall seem fitting.

HENRY LAURENS.

Tower of London, Dec. 1, 1781.

Burke was meantime pressing the exchange with the ministry. About the middle of December, becoming disgusted with them and convinced that they would do nothing for one who had exposed their incompetency as had Burgoyne, he abandoned the negotiations and determined to place the issue before Parliament. On the 17th he attacked the arbitrary and unjust system on which exchanges were conducted and used the cases of Laurens and Burgoyne as prominent examples. The treatment of Mr. Laurens, whom he praised as one of the most enlightened and liberal men alive, he denounced as disgraceful. Statements of a contrary nature as to his treatment were made on the other side, and afterwards in private conversation a letter, evidently that of Lieutenant Governor Vernon of November 27, 1780, to Sir Guy Cooper, was quoted as proof that Laurens was even grateful for the consideration which he received.<sup>1</sup> Burke, indignant over these misrepresen-

<sup>1</sup> *Annual Register*, 1782, 147-8. N. B. that Wharton, v., 743, apparently transforms this into a letter from Laurens.

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tations, considered that the opportune time had come, and on the 20th he presented Laurens's petition in its original crude form.

The same day, December 20th, Laurens addressed a brief appeal to Congress to undertake his exchange. "There has been languor, and there is neglect somewhere," he complained. "If I merit your attention, you will no longer delay speedy and efficacious means for my deliverance."

From the beginning of December his early release was assured. Lord North favored exchange with Burgoyne, but the commitment for high treason was a stumbling block, not to speak of the prejudice against Burgoyne. The General was moreover soon eliminated by the rumor of his exchange for 1040 common soldiers.<sup>1</sup> The surrender of Lord Cornwallis in October and the course of opinion as well as arms were rendering the detention of an American envoy on the charge of treason a mockery reflecting little credit upon its perpetrators. At this point the ministry inquired of Laurens through Oswald<sup>2</sup> whether Franklin could exchange Cornwallis for him. Laurens replied that he did not know, but proposed over his signature to use his influence, if released on parole, to secure this arrangement.<sup>3</sup>

While grateful to Burke, Laurens had not committed himself unreservedly into his hands, fearing, but I believe unjustly, that Burke's sentiments might be adulterated with a desire to use him as a stalking horse for party interests. He trusted more to the sincerity and effectiveness of Oswald's aid, which without question was of great value. The release was made with the Cornwallis exchange in view, though the official proceedings, to save the face of the thing, bore all the semblance of a release on bail awaiting trial on the original charge

<sup>1</sup> He was later exchanged for Gen. Moultrie "and a number of other Americans."—Moultrie's *Memoirs*, ii., 353.

<sup>2</sup> Oswald to Franklin, June 5, 1782. Wharton, v., 478-9.

<sup>3</sup> The statements regarding Cornwallis I base on the following letters, no one of which contains the complete narrative, but none of which conflict: Laurens to Franklin, June 24, 1782; Oswald to Franklin, June 5, 1782; and Laurens to Cornwallis, Dec. 9, 1782, found in Wharton, v., 507 and 478 and vi 121

of high treason—a feature which from that point onward was quietly ignored. On the last day of the year 1781 Laurens, unable to stand except on crutches, was taken in a sedan chair before Lord Mansfield. Before the arrival of the Chief Justice, the business being about to be opened by an assistant, Laurens announced:

Sir, I am not a lawyer, and have had no opportunity for consulting my judicious friend; I speak the suggestions of my own mind, (all was silence and attention) I know not the nature of the obligation which is to be required of me, therefore I think it necessary to make this previous declaration, that I hold myself to be a citizen of the United, free and independent States of North America, and will not do any act which shall involve me in an acknowledgment of subjection to this realm; having made this declaration I am ready to enter into any obligation.<sup>1</sup>

These words caused quite a stir and were reported, it appears, in a whisper by the assistant to Lord Mansfield, who just then arrived. Laurens expected to be remanded to prison; but his Lordship "was very condescending," and accepted Oswald's and his nephew Alexander Anderson's bonds for £2000 each and the prisoner's for £4000 to appear at the Easter term of the Court of King's Bench.<sup>2</sup> Laurens records that

When the words . . . "Our sovereign Lord, the King" were repeated, I said aloud, "not my sovereign lord." [The Solicitor remarked that some violence was done the laws for his relief.] Thus [says Laurens] terminated a long, and to me an expensive and painful farce.

The evening after he was liberated and lying sick in bed, a South Carolina friend called and began to tell him of his estates at home. "Not a word, my friend, of my private affairs," replied Laurens; "I will not enquire nor do I wish to hear anything respecting them till my country is safe." It was the same spirit in which he had accepted his mission, the same which he maintained during his imprisonment, and the same on which he acted after his enlargement. Laurens and his London friends thought his release a virtual acknowledg-

<sup>1</sup> The *Narrative*, which I have quoted, differs slightly from Laurens's report to Congress, May 30, 1782.

<sup>2</sup> Stevens's *Facsimiles*, 959, 988.

ment that independence was inevitable. Throughout his imprisonment he had labored for the American cause by corresponding with the rebel press and the opposition in Parliament and had striven to impress the ministry with the certainty of American success. Now that this was about to be obtained, he felt that his influence upon British opinion had played an important part towards that end. He states that when he was returning to America, two of his friends advised him to accept a certificate which would be numerously signed that he had "laid the foundation of the peace." This he very properly declined; but his opinion of its justness appears in the remark, "Probably the capture of Lord Cornwallis might have contributed to hasten the peace more than anything I have said or done, but I might truly bare this testimony of myself—that I was not deficient in my endeavors." At any rate, he felt that his anticipations at the time of his capture had been fulfilled, that he would be able to do more for his country in England than would have been possible in Europe. While his estimate of his influence in bringing British opinion to acknowledge the inevitableness of independence was exaggerated, particularly as relates to anything he said or did during his imprisonment, it appears, as will presently be seen, that his services in this regard after his release were of real value.

## CHAPTER XXV

### PEACE COMMISSIONER, 1782-83

THE third day after his release Laurens fled from the burden of company to Bath, of whose waters his gout stood sorely in need. The waters always helped him; but his shattered health required repeatedly to be repaired by the same means. With the intention of sailing for America on the November packet, little knowing how his plans were to be deranged, he secured the King's consent to remain in England for the recovery of his health until that time.<sup>1</sup> Upon his release he became the center of a distinguished circle of friends, some of whom admired him to the point of hero worship. It is significant that he associated intimately with a number of distinguished advocates of negro emancipation, and we shall see that in such company he was not out of place. Among his friends were that religious and philanthropic leader the Countess of Huntingdon, her friend Lady Ann Erskine, the eccentric stoic and novelist the author of *Sanford and Merton*, Thomas Day, the famous pottery artist and manufacturer Richard Champion who took up his residence in Camden, S. C., about the same time that his friend returned to his home, and the eminent publicist and abolitionist Dr. Richard Price.<sup>2</sup> The Countess of Huntingdon addressed Mr.

<sup>1</sup> Townshend to Laurens, Sept. 28, 1782, in Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> Champion, an idealistic admirer of America, and his family were warm friends of Laurens as early as 1782. Champion, having moved to South Carolina in 1784, soon found that Charleston manifested a social dissipation which he could only account for as the dregs of war and monarchy, and that making a living at indigo and corn at Camden, though illustrating

Laurens as "my much beloved friend" and sent him directions for treating his gout, along with her own favorite prescription. They were thrown much together at Bath in a friendship which extended to Laurens's children after they joined him in England, and gratifying indeed must have been the association of two such religious enthusiasts as the aged Countess and the even more devout young lady in her twenties, Martha Laurens. Whitefield at his death in 1770 bequeathed the Bethesda Orphanage in Savannah to Lady Huntingdon. The events of the Revolution involved loss and confusion, and misunderstandings arising with her agent, Rev. William Piercy, she turned the matter over to Laurens for attention after his return to America.<sup>1</sup>

After returning to London, where he awaited the outcome of his release on bond, Laurens had frequent conversations at Lord Rockingham's house with him and other members of Parliament looking towards a peace acknowledging American independence. Rockingham, who after North's resignation the 20th of March, 1782, became Prime Minister, found the French alliance a "choak-pear," since Laurens "uniformly and firmly maintained . . . that France and the United States must treat and lay down their arms at the same time."<sup>2</sup> To the Duke of Richmond, a member of the Rockingham ministry, with whom Laurens often was, he maintained the same position. "When Lord Shelburne was coming into place," as Secretary of State for the Home and Colonial departments in the Rockingham ministry,<sup>3</sup> he appointed a meeting with

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sufficiently republican virtue, did not exempt him and his family from hard labor and illness and the vexation of managing negroes. (Champion to Laurens, July 22, 1785, *et passim*, in Laurens MSS. in L. I. Hist. Soc.) Champion died in 1791.

<sup>1</sup> There is a batch of Huntingdon papers among the Laurens MSS. in the S. C. Hist. Soc. The difficulties appear to have been settled before Laurens's delayed arrival in America, but I have made no investigation as to that.

<sup>2</sup> *Narrative*, 61.

<sup>3</sup> Lord North resigned March 20, 1782, and was succeeded by Rockingham with Shelburne and Richmond in his cabinet. Rockingham died July 1; his ministry went to pieces and was succeeded by Shelburne's. Shelburne resigned Feb. 24, 1783. Then followed the coalition ministry

Laurens, the first of many conferences. At the first meeting Laurens urged measures for the relief and exchange of six hundred American prisoners held at Plymouth and Gosport, which he says were adopted. He visited them, exerted himself in their behalf with the agent, distributed about £200 from his own pocket for their relief—which, by the way, Congress refused to reimburse him—and secured much greater sums for their benefit from other persons.<sup>1</sup>

On the 4th of April Shelburne sent for Laurens and told him that he must be mistaken in asserting that the United States would not make peace separately from France, as Mr. Digges, just arrived from the Hague, brought the news that Mr. Adams assured him that the American ministers were free to treat independently of their ally.<sup>2</sup> Laurens branded his report as false and offered to prove it by a personal journey. To this Shelburne consented, and at the same time dispatched Oswald to Franklin on a similar mission. This was the first advance Franklin received from the British government and led soon to negotiations for the provisional treaty.

Laurens and Oswald separated at Ostend. At Haarlem Laurens met Adams, who "gave the lie to everything Digges had written and said I was right in all I had asserted respecting peace." Adams wrote an interesting account of the interview to Franklin:

I found the old gentleman perfectly sound in his system of politics. He has a very poor opinion, both of the Integrity and Abilities of the new Ministry, as well as of the old. He thinks they know not what they are about; that they are spoiled by the same insincerity, duplicity, falsehood and corruption with the former. Lord Shelburne still flatters the King with ideas of conciliation, separate peace, etc.; yet the nation and the best men in it are for universal peace and an express acknowledgment of American independence, and many of the best are for giving up Canada and Nova

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of Fox and North, announced April 2, under the nominal premiership of Portland. The coalition ministry resigned Dec. 8, 1783.

<sup>1</sup> Letters of June, 1786, etc., and *Narrative*, 62; Wharton, v., 458.

<sup>2</sup> Thomas Digges, formerly a Maryland merchant, was a British spy, besides being something of a thief, who was sometimes employed by Franklin, whom he defrauded.—See Wharton, and also Franklin's *Works*, index, Digges.

Scotia. His design seemed to be solely to know how far Digges's report was true. After an hour or two of conversation, I returned to Amsterdam, and left him to return to London.<sup>1</sup>

The French, who already without any justification mistrusted Laurens,<sup>2</sup> misconceived his mission to Adams so completely as to construe it in a sense directly opposite to the truth, namely, that he was lending himself to a scheme for making a separate peace with England, leaving France to the vengeance of her ancient enemy. It was even rumored that America was to remain within the British Empire with complete autonomy under its own Parliament—a scheme which unquestionably floated enticingly before the brains of some English statesmen and the dispelling of which we shall see was a valuable service Laurens was to render.<sup>3</sup> We shall find, too, how hard dying was the rumor here invented of Laurens's unfaithfulness to France.

On the 23d Laurens and Oswald were back in London. Shelburne was convinced, but "disappointed and chagrined." Fox, who became Foreign Secretary in 1782, and many others strongly desired to make terms independently with America and continue the war with France, especially after Vergennes's refusal in the spring of that year to make peace on the terms of the peace of 1763.<sup>4</sup> Another idea which persisted in the minds of a number of prominent English politicians and con-

<sup>1</sup> Franklin's *Works*, vii., 477-8. The Jay manuscripts, v., 2, are quoted in Winsor, vii., 100, in describing the interview to the effect that Laurens "railed at the English ministry with something of the peevishness of age and ill-health. Richmond, he said, was the only one who seemed to have integrity & force of character. Rockingham was virtuous but feeble, & all the rest were as false & insidious as their predecessors, without possessing the same talents, & were much disposed to flatter the king's desire to refuse American independence."

A MS. giving an account of the mission to Adams, the basis of Laurens's account in his *Narrative*, is in the Emmet Col., N. Y. Pub. Lib.

<sup>2</sup> Probably on account of his well-known insistence on full fishing rights and his championship of Arthur Lee, who was distasteful to the French court. Luzerne, the French representative in Philadelphia, had warned Vergennes to be on his guard against him.

<sup>3</sup> Winsor, vii., 100.

<sup>4</sup> Lecky, v., 156-7 and 196.



siderably impeded the conclusion of the war was that it might be possible to arrange some sort of dependence or connection between Great Britain and America. Laurens's services, as just remarked, were of great value in dispelling both these delusions.

On the 25th of April Laurens declared his intention of surrendering to the court of King's Bench, but on the 27th Shelburne sent him an ample discharge. After being assured upon the honor of Oswald, the bearer, that there was no idea of a pardon involved, Laurens accepted the discharge of obligation to the court, but refused to consider the matter settled. Besides other objections presently to be explained, he was unwilling to be discharged upon terms which might be supposed to leave him under obligations, as the representative of the United States, to his captors. Writing the next year to John Adams, he says, "I suspected his Lordship's goodness when he offered to make me a present of myself," indicating, as the context shows, that he considered the object to be to gain his influence for a separate peace with the United States.<sup>1</sup>

Congress having exchanged Burgoyne for General William Moultrie "and a number of other Americans,"<sup>2</sup> Laurens, in accordance with his pledge before his release used his utmost efforts with Franklin to authorize his exchange for Cornwallis, an officer of equal rank with Burgoyne. He "seemed so unhappy till it was accomplished," says Franklin, "that I ventured it" (June, 1782), but reserving to Congress the right of disavowal. The next month Congress, not having heard of Laurens's release from the Tower, to say nothing of his full discharge later, resolved that Cornwallis, who was then in England on parole, should be remanded immediately to America unless Laurens was forthwith released. When the news arrived of the liberation of their envoy, many considered

<sup>1</sup> Wharton, vi., 284, n. Apr. 6, 1782, Shelburne had undertaken to discharge Laurens. "I replied hastily," says Laurens, as the minister reached for his pen to write the discharge, "I dare not accept myself as a gift." He proposed exchange for Cornwallis.—Laurens's memorandum on back of his letter of Apr. 5, 1782, to Shelburne, in Emmet Col., N. Y. Pub. Lib.

<sup>2</sup> Moultrie's *Memoirs*, ii., 353.

that to confirm Franklin's act of exchange would amount to a little deserved gratuity to Cornwallis which the interests of America would not allow. It was probably the unwillingness to humiliate Laurens and Franklin that prevented a disavowal. As it was, no vote was taken one way or the other, and so Congress was saved the charge of a double breach of faith.<sup>1</sup>

In May Laurens, at last released from all impediment as a prisoner, journeyed to Amsterdam to offer his aid to his substitute Adams in the business with which he had originally been charged; but Adams had matters already in hand and did not think it necessary to tell Laurens that his powers in the matter of the loan and treaty were to continue only until he should arrive.<sup>2</sup> Pleased to find himself unburdened, Laurens proceeded to southern France to visit at Vigan his daughters and his ill brother, none of whom he had seen for seven years. Remaining there for fifteen days, twelve of which were spent chiefly in bed, he proceeded to Bordeaux by way of Montpellier and Cette on the coast of the Mediterranean, where he tried the sea bathing for his health, which was now so feeble that he was exhausted by dictating a letter.<sup>3</sup> He proceeded in July to Nantes in the old Huguenot country of his ancestors to embark for the United States, but in view of warnings of the danger of a second capture, he consented to demand of England a safe conduct home, and hence about the middle of October repaired to London.<sup>4</sup>

Without being aware of it, Laurens at this time became the

<sup>1</sup> Madison Papers, ii., 206, 479. A striking coincidence was that Cornwallis was Constable of the Tower of London; hence Laurens was his prisoner. Col. John Laurens was Captain General of prisoners in America, and Cornwallis was thus the prisoner of the son of his own prisoner.

<sup>2</sup> Adams finally secured the \$10,000,000 loan and Oct. 8, 1782, he signed the treaty of amity and commerce with the Netherlands.—*Treaties and Conventions between the U. S., etc., since July 4, 1776*, 749.

<sup>3</sup> MSS. in L. I. Hist. Soc. For the movements of Laurens's children and brother 1775-82, see the beginning of Chapter XVII.

<sup>4</sup> He was in France as late as Sept. 19, 1782, and had reached England earlier than Oct. 30th. His route from Nantes lay through Angers, Mans, Alençon, Rouen, Abbeville, and Calais.—Laurens to Mesdames Babut and Labouchère, Sept. 18, 1782, in Laurens MSS. in L. I. Hist. Soc.

subject of a serious attack in Congress. September 17th that body voted unanimously that his services "cannot be dispensed with." But a day or so later the Parliamentary Register was received containing his petition of December 1, 1781, to the House of Commons.<sup>1</sup> Madison was so shocked that he desired Laurens's commission annulled. Independent of this, he wrote, Laurens's conduct as detailed in his own letter of May 30th was "far from unexceptionable"; but this appears rather an afterthought provoked in an already ill-disposed mind by the news of the petition.<sup>2</sup> Its language, he maintained, though pardonable in a private person, "evidently rendered Mr. Laurens no longer a fit depository for the public dignity and rights which he had so far degraded."

There are so many circumstances relating to this gentleman during his captivity [he wrote] which speak a bias towards the British nation, and an undue cordiality with its new leaders, that I dread his participation in the work of peace.

What was thus characterized as "undue cordiality" was the means, we shall see, by which Laurens was to impress upon the ministry the hopelessness of their plans and to furnish to his colleagues in Paris information the value of which they freely acknowledged.

Madison argued that the petition "(1) ignored Laurens's official position as an envoy from the United States, and (2) that it made services to Great Britain and indifference to the American cause a ground for indulgence."

<sup>1</sup> Congress was not aware of his petition of June 23, 1781, to the ministry.

<sup>2</sup> Letter of Sept. 24, 1782. An unfavorable attitude towards Laurens on Madison's part seems to be indicated by the fact that he was one of six members, thirty-two being present, who, on June 14th, 1781, before anything whatever of his conduct in the Tower was known, voted against exchanging him for Burgoyne; and that he refers with dissatisfaction to the personal partiality and prejudice in favor of Laurens which played a part in the debates.

As another example of Madison's judgment of men of the opposite faction, notice the following from his letter of Dec. 18, 1784, to Monroe, in the transcripts in the Carnegie Inst. for *Letters from Members of the Continental Congress*: "R. H. Lee earnestly advocated the appointment of Jefferson to the Court of Spain only in my opinion to open those of G. Britain and France to himself and friends."

How far Laurens was justified in passing over his title as envoy, which his captors had refused to recognize, and referring to that of President of Congress by which he had been officially addressed by representatives of the British government, each person must decide for himself. His object was doubtless thus to establish out of their own mouth his right to be treated as a prisoner of war. Madison's second criticism is grossly unjust. The most critical examination of the petition will fail to reveal any plea of indifference to the American cause or any service to Great Britain, save the statement that he had striven to avoid if possible the precipitation of war—surely not a blameworthy attitude for anyone towards any fairly satisfactory government under which one has been born and reared; an attitude, by the way, in which Mr. Madison himself was one day to go much further with far less justification when charged with maintaining his country's dignity against this same enemy. That he had treated the helpless minority and prisoners with humanity, all fair-minded men to-day will doubtless think to his credit.<sup>1</sup>

<sup>1</sup> We may notice here the following extracts in reference to Laurens from a letter of Oswald to Shelburne, Dec. 29, 1782:

"Ever since this explanation (relative to the question of parole) he is in good humor, and occasionally likes to talk as an Englishman, there may arise some benefit to the public by an attention of some kind being properly shown to him, so as to turn his bias still more our way, or at least to fix it where it seems to rest."—Wharton, v., 746.

This is not very creditable in a friend of upwards of thirty years' standing whose honor Laurens placed so high and so implicitly trusted. In conversation with a person whom he so regarded Laurens might without any impropriety have used expressions which the unsuspected spirit in which he was watched might estimate to his disadvantage. That Laurens, when he arrived in Paris and found the treaty practically completed, should have had an article added to save the Americans and deprive the British of many thousands of dollars shows how incorrect were Mr. Oswald's surmises as to his British bias.

To the expressions of Benjamin Vaughn the secret British agent, "Mr. Oswald perhaps may tell you of Mr. Laurens's strange behavior here," I attach very little importance. It might be interpreted in entirely opposite senses; and in any event it is nothing but an enemy's surmise regarding a man whose acts now speak for themselves.

Laurens's friends opposed the recall upon two grounds: First, they denied the authenticity of the petition, since it appeared in an enemy's publication, was not alluded to in his letter of May 30th, and was inconsistent with his known character. "Several," says Madison, "professed a readiness to renounce their friend, in case the authenticity of the paper should be verified." Secondly, it was maintained that the petition, even if genuine, did not impeach his fidelity. Madison states that "the first objection was the prevailing one; the second was abetted by but few." Another, and apparently decisive, factor was Laurens's well-known determination to obtain as full fishing rights as possible. Osgood of Massachusetts wrote John Adams that, "as the members of the Eastern States had relied on him to join with you in supporting our claim and right to the fisheries, they could not consent to his suspension. Had it not been for this, he would have been suspended."<sup>2</sup> Congress refused, September 20th, to dispense with his services. It appears that, had the authenticity of the petition been established, or had the more elaborate petition of June 23d been known, or had he been without the support of the fishing States, Laurens would have been subjected to the deep and damaging humiliation of a recall voted as a condemnation and want of confidence. As it was, he escaped this cruel injustice by a sectional, self-interested, personal vote, helped on by disbelief in what was really a fact. If such a blow had fallen, it would not have been entirely without a certain retributive character for its persecuted subject's having missed the opportunity when he was one of the dispensers of honor and shame of securing for another suspected public servant, Silas Deane, level, open-minded justice.

Such was contemporary opinion of what has sometimes been called Laurens's "submission," and this entirely unjustifiable word has probably caused many who have never seen his petition to suppose that he in some way proved unfaithful to his American allegiance. On the contrary, he did not in the slightest modify or compromise his independence or obligations as an American citizen or official. The fact that the petition

<sup>2</sup> Wharton, v., 746.

is generally regarded as the most regrettable incident in his career is eloquent tribute to the rectitude of his life. Let us remember that he was petitioning for release or milder treatment after fourteen months of suffering, so far as he knew, utterly neglected by Congress. With the purpose of showing how little deserving he was of being made a special object of retaliation, he prefaced his request with a recital of facts in his history, no one of which is in the slightest to his discredit either as a man, a Christian, or a patriot and which might have been made with equal truth by many of the noblest and most valuable men on the American side—a recital made, moreover, in correction of false statements to the contrary circulated for his injury. The only impropriety was that an American envoy should forget his dignity sufficiently to ask the same moderation and humanity which he had himself always exercised. Robert R. Livingston's criticism was that "the language it speaks does not consist with the dignified character he holds." I will leave the matter with a quotation which embodies the opinion of two not overly friendly critics that seem to me to go the full length which any judgment claiming judicial character can admit. The editor of the Madison Papers says:<sup>1</sup>

The debilitating and protracted sufferings of Mr. Laurens in the Tower require every allowance for the tenor and tone of his representation to Parliament; especially as after his liberation, and whilst the definite arrangements for it were on foot, it appears that he gave the most active proofs of his devoted patriotism and vigilant zeal in guarding against the insidious policy of the British cabinet. It is known that this was the view taken of it by Mr. Madison.

After his release, December 31, 1781, Laurens, we will recall, remained in England, a few days excepted, until May 11, 1782, when he left London for southern France, and returned to England about the first of October to demand a safe conduct to America. He used every opportunity with the ministry

<sup>1</sup> I., 178, n. The references to the attempt to recall Laurens are as follows: *Journals of Congress* for July 11, Sept. 17 and 20, 1782; *Secret Journals*, iii., 213-6; Wharton i., 583, and v., 730-1, 743-7; Madison Papers, i., 175-8, 202-6, 479-81; Rives's *Madison*, i., 346.

and the many influential persons with whom he was thrown to impress, first, the necessity of England's promptly terminating the war, and second, the positive and unequivocal assurance that the hopes for a separate peace not including France were impossible, third, the futility of the idea of preserving some sort of dependency on England, and fourth, the determination of the Americans not to provide compensation for the Loyalists.<sup>1</sup>

<sup>1</sup> Laurens to Franklin, June 24, 1782, in Wharton, v., 505, says:

"I could not comprehend the metaphysical idea of others who wished, as it seemed to me, for somewhat of a convention between Great Britain and America like platonic love, something which they mumbled but could not define and which, considering their good sense, created a suspicion of their sincerity."

The following paper from Mr. Sinclair, a member of Parliament from Scotland, Feb. 22, 1782, and Laurens's memorandum of his reply illustrate his activities in England during the first part of 1782 (Laurens MSS. in L. I. Hist. Soc.):

"Park Street—Westmr.

"Friday mornng.

"Mr. Sinclair presents his compliments to Mr. Laurens. He believes that Mr. Bremar has shown to him some papers, called *Public Hints*, & there are several members of the House of Commons, who are disposed to enter into such a Union. Mr. Sinclair knows that they will be much puzzled about their conduct tomorrow and wishes therefore to have the pleasure of some conversation with Mr. Laurens this morning (if Mr. L. is at home between 10 & 11 o'clock) upon the following query:

"Query

"The American war can only be carried on, 1st For Revenue, the original cause of the war, which is given up. 2dly For sovereignty which the Americans are in possession of, but which is disputed by Great Britain—3dly, Commerce—in respect to which the Americans are not bound. 4thly. Alliance or Federal connection as guarantying colonial possessions &ca &ca.

"Queritur—If the 2d point sovereignty or independence was given up, is it in the *power* (consistent with existing treaties) & is it consonant with the *inclination* of the Americans to settle the other two points of *commerce* & of *Federal Alliance* in a manner advantageous to Great Britain?

"Henry Laurens Esq.

"Fludyer St

"Westmr

"(First door)"

But he found himself unable to perform these valuable services without incurring suspicion and slander.

There had been busy bodies [he wrote] not only whispering but signifying by letters, which they took care should come to my knowledge, their surprise at my continuing in the kingdom so very long, when God knows I remained there scarcely a week after receiving by your hands a notification of my enlargement.<sup>1</sup>

His impulse was to defeat his enemies by his intended departure for home, but his shattered health forbade his incurring the hardship of a winter voyage, and so, avoiding all public places and characters, he prepared to await the spring somewhere on the European side.<sup>2</sup> But just as he was considering whether to remain at Bath for his health or withdraw from the country on account of the continued anonymous attacks, he received, November 12th, the act of Congress ordering him to join the peace commissioners.<sup>3</sup> He had already in May received a copy of the commission directing himself, Franklin,

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On the back of this note Laurens has written:

"Mr. Sinclair M. P. for — in Scotland 22d Feby 1782 Answered verbally same morning: There is a gentleman (Mr. John Adams) at Amsterdam or Hague with full powers from Congress to treat with Grt. Britain whenever G. B. shall be disposed to treat—the opinions of Mr. Laurens estimated at the highest will be of no more value than the opinion of any other man & he can only give his private opinion referred to in the resolutions of Congress 22d April 1778—& to the Treaties of Commerce & Alliance between the K of France & United States of NA America is free to enter into commercial treaties with any nation.

"Treaty eventual & defensive will be null after the termination of the war. America will not treat but in conjunction with her ally or with consent first formally obtained—little ground for expecting the latter. No medium between acknowledgement of independence withdrawing forces—& prosecuting the war.

"Federal alliance with G. B. may be hoped for, may be effected in course of time & events. Nations & individuals are governed by their interests.

"Debts due by America, will these be paid? Ans—an article for treaty; they certainly ought to be paid & I have not the least doubt will be, & the American courts open for recovery of debts by Lrs of Attorney &c—."

<sup>1</sup> Laurens to Oswald, Sept. 19, 1782, L. I. Hist. Soc. Laurens MSS.

<sup>2</sup> *Ib.*

<sup>3</sup> Laurens to John Adams, Nov. 12, 1782, in L. I. Hist. Soc. MSS.



Adams, Jay, and Jefferson to negotiate; but he conceived from the phraseology that Congress had not expected that all the five would necessarily participate; and as Franklin, Adams, and Jay were already upon the ground, all, he urged, of superior ability to himself, he declined to put his impoverished country to the expense of supporting a superfluous commissioner. To Adams's inquiry, "Don't you wish yourself one of the peace makers?" he replied that he had no ambition to be associated with famous treaties.<sup>1</sup> Adams esteemed Laurens highly and regretted this decision.

I had great pleasure [he wrote to Foreign Secretary Livingston, June 9th] in seeing my old friend perfectly at liberty and perfectly just in his political opinions. Neither the air of England, nor the seducing address of her inhabitants, nor the terrors of the Tower have made any change in him.

To Franklin he expressed his regret at losing Laurens's cooperation.

I was very sorry to learn from him that in a letter to your excellency from Ostend he had declined serving in the commission for peace. I had vast pleasure in his conversation, for I found him possessed of the most exact judgment concerning our enemies, and of the same noble sentiments in all things which I saw in him in Congress.<sup>2</sup>

Independent of the solicitations of Franklin, who wrote as warmly and more persuasively than Adams, Laurens considered the refusal of Congress to accept his resignation as imperative, and as soon as permitted by the tortures of the gout, which had held him steadily for a year, he posted night and day to Paris. He arrived only two days before the signing of the preliminary articles, and his influence in shaping the treaty was of course small. He supported "with great firmness," says Adams, the fishing rights; and the clause in article VII forbidding the British to carry off negroes or other American property was due to him.<sup>3</sup> Adams records in his journal:

<sup>1</sup> Laurens to John Adams, Aug. 27, 1782, in Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> John Adams to Franklin, June 13, 1782.

<sup>3</sup> Wharton, vi., 87-8, 90, and 91. The British nevertheless refused compensation for the stolen negroes, and Jay's unsuccessful attempt in 1794 to secure payment ended the matter.

I was very happy that Mr. Laurens came in, although it was the last day of the conferences, and wish he could have been sooner. His apprehension, notwithstanding his deplorable affliction under the recent loss of so excellent a son, is as quick, his judgment as sound, and his heart as firm as ever. He had an opportunity of examining the whole, and judging and approving; and the article which he caused to be inserted at the very last, that no property should be carried off—which would most probably, in the hurry and multiplicity of affairs, have escaped us—was worth a longer journey, if that had been all. But his name and weight is added, which is of much greater consequence.

The most serious of Wharton's groundless insinuations, so much to be regretted in a scholar of his standing, relate to this part of Laurens's life. Says Wharton:<sup>1</sup>

The same irresolution<sup>2</sup> was exhibited by him when released and when the question of his assuming the position of peace commissioner came up. Whether he would act or not; what was his position as to negotiating apart from France; what was his precise attitude as to the fisheries; why, after peace, he should have remained abroad for three years, are questions as to which in his correspondence the same irresoluteness is displayed. If the letters of Benjamin Vaughn in the Lansdowne collection are to be relied on, Laurens was ready after his release and exchange to enter into peace negotiations in London apart from Franklin and Jay, and that he was deterred from this course by Adams's refusal to act with him.

The absurdity of Benjamin Vaughn, the secret British agent, or anybody else's surmising that Laurens was ready to prepare such infamy for himself as to undertake the scheme which is suggested for him in the last sentence quoted ought to have been sufficient to prevent the story's having been passed along, even with an "if." Had John Adams ever "deterred" a colleague from an attempt like that, his industrious recording pen, which seldom neglected the meritorious acts of its owner, would have done its duty by the incident and would not, from first to last, have been so unstinted in the praise of Laurens; not to speak of the fact that he would have probably reported it to Congress, with easily imagined results. Such material is hardly the subject for respectable history, but

<sup>1</sup> I., 581-2.

<sup>2</sup> Which he groundlessly attributes to Laurens while in the Tower.—D. D. W.

reminds one rather of such whispers as dispensed by the author of the following anonymous letter among Laurens's papers, on which he endorsed, "Mrs. W—— as supposed." The author, after professing to give him the secret intentions and acts of the ministers, continues thus:

Great pains are taken to give a wrong opinion of you to the French, to Dr. Franklin also to the Dutch, by saying to them you had some dark views, or in these words: "What is his business in England?" "He has no business to be in England" . . . The Junta wish you gone.

Laurens's own words at every period sufficiently answer these questions. As to the absurd supposition that a man who was so reluctant as to refuse to act in the treaty making until Congress refused to excuse him should meantime have concocted a daring scheme of his own for a separate peace, consider the following memorandum of his conversation with a Member of Parliament, February 22, 1782, at the very time in question:

America will not treat but in conjunction with her ally or with consent first formally obtained—little ground for expecting the latter.<sup>1</sup>

He gives the following general account of his activities in England throughout 1782:

I had considered my residence in England not only as proper for recovering my health, but also as essential to the service of the United States. I embraced various opportunities of informing the people in general of the ground and nature of the subsisting dispute between the two countries, of which they had been amazingly ignorant, of contradicting false reports respecting America and of convincing some of the most intelligent as well as some of the most adverse to the doctrine that a full acknowledgement of our independence was consistent with and would eventually contribute to promote the true interest of Great Britain, and I have some ground for believing that my labors in some degree facilitated the great business which has just been completed . . . and I humbly think if I were in England at this moment I might be of more real service to my country than I can possibly perform in my present situation.<sup>2</sup>

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<sup>1</sup> Laurens's memorandum of his conversation with Sinclair on back of latter's queries in Laurens MSS. in L. I. Hist. Soc. See entire paper at pp. 400-1, n., above.

<sup>2</sup> Laurens to Livingston from Paris, Dec. 15, 1782.

The next day, December 16th, he wrote the following important letter to the representatives of South Carolina in Congress, which indicates that, instead of being faithless to the French alliance, he was more loyal to it than any of his colleagues. What would have been the outcome if Laurens had been upon the ground to uphold the position of Franklin before that gentleman yielded to the distrust of Adams and Jay we can only conjecture.<sup>1</sup>

Upon my arrival here I found the preliminary articles so far advanced as to require discussion only upon a few points respecting the fishery and the loyalists. These indeed were important and finally the former was well concluded. I urged an addition of that latter part of Article 7th prohibiting the carrying away of negroes or other property, which I hope will lay a foundation for a future claim.

One of the first questions I asked of my colleagues was, whether we were proceeding agreeably to the instructions and acts of Congress, particularly respecting boundaries, and the confidence and concurrence of the Court of France. To the former a satisfactory answer was returned. To the latter a reply was made in nearly the same terms as you will see in our joint letter with some enlargements, and I was not altogether convinced. But the evil, if any, had taken place and could not be remedied. Wherefore I subscribed from the necessity of the case. Should the Court make no complaint to Congress on this point, all will be well; otherwise you will please to urge what may appear to you necessary for suspending a judgment against me until I shall have an opportunity of answering for myself.

The latter part of Article five gave me much uneasiness, and I have frequently signified my apprehension to the other gentlemen. "Or otherwise" seemed to comprehend everything; to nullify almost the whole of the preceding restrictions, and may engender troublesome, perhaps dangerous, contests. Some of the gentlemen are not so much alarmed; nevertheless I hope the present ambiguity will be removed by a precise explication in the definitive treaty.—I mean not to cast, or even to insinuate the smallest degree of censure upon any one of the gentlemen. Every one appears to me to have acted with zeal and disinterestedness for his country's good; but for my own part I should have paid strict obedience to the solemn act of Congress in assurance to the Court of France of so recent a date as the 3d of October last. Other instructions I have not received, and would have opposed that Court had it appeared essential to the interests of my country to the uttermost. "The Count Vergennes

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<sup>1</sup> This letter, the best account of Laurens's relation to the treaty itself, is not in the *Diplomatic Correspondence*, as it was sent to this State delegation and not to the Congressional authorities.

seemed surprised, but not displeased." Granted; but if the Count, or rather the Court, should be displeased, this is neither the time nor the place for displaying resentment. So much, gentlemen, I have taken the liberty of saying in confidence.

He goes on to warn against trusting too much in England's friendship:] Let us proceed warily with new converts and those who are friends perforce.

His private letters bear the same testimony of unswerving loyalty to our ally. The determination to trust France unless convinced that she was ready to sacrifice American interests and his equal determination then to oppose her are expressed to his intimate friend Gervais as follows, December 14, 1782:

I was loath to believe the reports unfavorable to the sincerity of the French court, though hearing it: "upon the testimony of two witnesses. . . . But we should take caution against imbibing prejudices and never determine our judgment until we have heard both parties; mine is still open."

The manner of his speech upon this subject in England Laurens describes in a letter of December 10th, 1782, to Joshua Johnson, Esq., at Nantes:

The plainness of my dealing, however, with many of the English politicians convinced them of our determination not to lay down arms until the conclusion of a treaty or treaties which should terminate the war with France as well as with America. This is now clearly understood by everybody and particularly provided for in the preliminary articles of the 30th November.

These extracts may be concluded by the following from a letter of December 24, 1782, from Paris to his friend Manning in London:

Be not flattered by the preliminaries with hopes of a separate peace, with hopes of shaking hands with men who are *now* called "brethren," nor of any peace until you are sure of a "decisive conclusion" for peace with France. . . . Shake hands, with all my heart. I ardently wish for a peace; but you must prepare yourself for shaking hands with America as you would shake hands with the subjects of France, Spain, Prussia or any other independent nation at the termination of war and you must habituate yourselves in the same idea of reconciliation with America which you would entertain of reconciliation with any other independent power. You must think of sending ambassadors to the court of America . . . and treating the United States as

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\* His words to this point are paraphrased.

a sovereign. Hence, sir, you perceive that my opinion is there cannot be, there ought not to be, a separate peace between Great Britain and America. Let me add that much as I wish for an end to the war, I would rather persevere in it, lose all my sons and daughters too, my own life and my whole estate than subscribe to a separate inglorious peace. No, my friend; let us shake hands, when every bone of contention shall be removed, upon the broad bottom of honor and good faith. Our friendship will then endure.<sup>1</sup>

Instead of ever dreaming of a separate peace, if Laurens is subject to any criticism it is for an excess of loyalty to our ally, even to literal adherence to Congress's October instructions, as the following memoranda will show:<sup>2</sup>

Saturday, December 14, Adams gave Laurens a copy of the intercepted letter of the French minister Marbois at Philadelphia to Vergennes, March 13, 1782. Marbois spoke severely of Samuel Adams and the American claim to the fisheries. "There are some judicious persons," he continued, "to whom we may speak of giving up the fisheries & the West for the sake of peace, but there are enthusiasts who fly out at this idea." France, he asserted, could swing the balance on account of the even division of parties; and more of a sort to offend American pride and chill American friendship.

Laurens was hurt that the letter, if deemed important, was not shown him on his arrival and protested that he did not regard its contents as sufficient ground for violating their instructions.

The violation of their instructions sat heavily on Laurens, and in a conversation with Adams on the 19th of December he repeated his doubts as to their having done right in disregarding them and signing the preliminary treaty without consulting France. Adams replied with severe censures on Vergennes. Laurens replied, "That may be for aught I know, but 'tis certain our instructions have been broken & so far he has an advantage over us." Adams replied, "They were very foolish

<sup>1</sup> Laurens to David Hartley, Aug. 31, 1782, expresses the most emphatic declaration of the impossibility of America's making a peace separate from France. In addition to this letter in the L. I. Hist. Soc. MSS., many of his others for months previous are to the same effect.

<sup>2</sup> Laurens's memoranda in Laurens MSS. in L. I. Hist. Soc. The quotation is not necessarily verbatim except where quotation marks are used.

& unfortunate instructions, I dare say of his procuring by a small majority in Congress." Laurens replied that Congress was pledged before the world to those instructions, and asked how we came by the Marbois letter, whose expressions unfavorable to America when discovered to Jay had caused the disregard of the instructions. Adams replied he had it from Jay; Laurens pressed as to how Jay got it; Adams replied, "Mr. Jay can best inform you himself." Seeing Laurens hurt, Adams replied after about a minute's profound silence, "I suppose he got it from the English Commissioners; they intercepted the letter." Laurens considered that Adams's manner showed a want of confidence and took his leave, Mr. Adams meantime growing quite angry and excited in his denunciation of France.<sup>1</sup>

Whether right lay with Laurens or with Adams and Jay opinions will differ. His unswerving loyalty to our ally is admirable in showing his sacred regard for contract and moral obligation, particularly in view of his cautious suspicions and warnings against French selfishness and guile at the time of the forming of the alliance. Even now he would be true to his maxim of "hear the other party." Though the statesman, says Bismarck, cannot foresee the future, he is obliged to act exactly as though he did; and in this instance Americans must honor the name of Jay for taking the lead, boldly acting on his suspicions and breaking his instructions "as I would break this pipe."

It was no hollow boast for Laurens to speak of losing his sons and daughters along with his own life rather than subscribe to a dishonorable peace. On hearing of the wound received by Lieutenant Colonel John Laurens at Tullifinny Hill, the father wrote "my dear son and beloved fellow country-man":

Go on, my son, love and be ready at all times to bleed for your country. "If we do meet again, why, we shall smile, if not, why, then our parting was well made."<sup>2</sup>

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<sup>1</sup> Abstract of Laurens's memoranda ends here. Adams's statement as to the history of the Marbois letter is, of course, correct.

<sup>2</sup> Laurens to John Laurens, May 30, 1779, in Laurens MSS. in L. I. Hist. Soc.

The hour for which both were so bravely ready had come. The same day that the father received the mandate of Congress to join the commissioners for peace, November 12, 1782, he heard through John Adams of the death of his son at Combahee Ferry the 27th of August—almost the last life to be given in the American cause.<sup>1</sup> He might indeed take to himself what comfort there was in the consolation offered by Adams, quoting the saying of the Earl of Ossory, "I would not exchange my dead son for any living son in the world." Adams spoke, if not literal truth, something very near it when he said, "Our country has lost its most promising character."<sup>2</sup> Combining the virtues of the Roman and the Christian, Laurens's sorrow was nobly blended with deep joy at the success of the cause for which the son had died.

The broad, blessed sunshine of peace is at hand [he wrote December 13th]; . . . Old men may sit under the shade of their fig trees; weep for joy of their losses; exultingly may each sufferer say, "Thank God I had a son who dared to die in deference of his country," and sing *nunc dimittis*. Young men ought with vigor to engage in the great work of establishing the new government by wisdom in justice and in righteousness, that their children's children may rejoice and say "this is the work of God; our fathers were the honored instruments."

Laurens remained in Paris from the later days of November, 1782, until near the close of January, when, prostrate in body and mind, he repaired to Bath, the only place where he received any benefit. After remaining there five weeks he went up to London. Until the signing of the definitive treaty in September he was making his painful journeys between London and Paris as his own views or the urgent advice of Franklin dictated for the interests of his country. During these months in England he strove to further the interests of the United States in three points particularly: removing the British troops from America, defeating the desire of England to secure some effective guarantee in the definitive treaty for reimbursing the loyalists, and securing equal reciprocal trade relations between the two countries. The continued presence of the

<sup>1</sup> Henry Laurens, Jr., to James Laurens, Nov. 12, 1782, in Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> Wharton, v., 854.



enemy's troops in New York especially, he repeatedly urged upon the ministers, could have no effect except to injure England by keeping alive the hostility of the Americans and thus preventing the renewal of the old commercial relations from which the elder country had formerly derived such benefits. The subject on which he sought most earnestly to convert British opinion was the trade relations. In 1783 Pitt introduced a liberal measure in line with his desire to place the trade on almost as free terms as it had been before the war, but Parliament would not consent.<sup>1</sup> While he admitted that the bill suited the purposes of the United States, Laurens held "that there ought to be two to a bargain" and hence a treaty was the proper means. He suspected, in short, that the British intended by holding several important ports to force commercial advantages or to intimidate the United States into providing for the loyalists, and considered that the presence of foreign troops was an insult to which the public honor could not submit.<sup>2</sup>

"But are we not very liberal in opening the trade upon such terms?" many members of Parliament asked.

"Undoubtedly you want to purchase rice and other provisions for home consumption and for the West Indies," he replied. "You are desirous of selling your woolen and iron wares. You are liberal, but we cannot profit off your bounty while the sergeant's guard is in the house."

"Don't be uneasy; the troops will be removed as soon as possible."

"Suspend, then, your beneficent acts until they are removed. Possibly America may ask, When you were accustomed to send troops to that country, were you puzzled to find transport ships for the purpose?"

He encouraged Fox, the foreign minister, to believe that the United States were ready immediately upon the removal of the troops to enter into a commercial treaty of mutual advantage. April 16th he arrived in Paris, where the negotiations were continued in conjunction with his colleagues, but he was soon convinced that "reciprocity appears now to mean enjoyment on one side and restrictions on the other." So incensed was he

<sup>1</sup> Stanhope's *Pitt*, i., 110.

<sup>2</sup> His correspondence on the subject is found in Wharton, vi., under the following dates: March 6, 15, 17; April 5, 10; June 17; August 2, 9, 1783.

at England's course, particularly regarding commerce and the troops, that he threatened in letters to private friends in that country to advise measures of retaliation on returning to America. Your country, he wrote, February 22, 1783, will have the hostility of the world until she abandons the principle, "We dare to do and we will do *anything* that we have *power* for accomplishing." When the United States was striving in 1785-6 to form a commercial treaty with England and secure the removal of the troops, Laurens wrote, June 2, 1786, that he recommended the same measures while in England which Congress was now aiming at and "strove to enforce the necessity of adopting them at Trenton."<sup>1</sup>

Leaving Paris June 7, 1783, Laurens was again in London on the 11th. Though very sick and looking more like a corpse than a man, he was back in Paris July 23d on an urgent call from Franklin. Having conferred with his colleagues on the prospect of England's receiving an American minister, forming a commercial treaty and signing a definitive peace, he returned at their request to sound the government, particularly on the question of a minister. Arriving August 3d, he had interviews with Foreign Minister Fox and Premier Portland. The former greatly desired to see an American minister accredited to Great Britain and was not unfavorable to opening trade relations; but he had to recognize the opposite views of many Englishmen. The exclusion of American vessels from the West Indies, he said, was intended to furnish England something to treat for in forming the commercial treaty. The performance of this mission occasioned Laurens's name not to appear on the definitive treaty of peace, which was signed September 3d during his absence.

Regarding the loyalists, as in Paris, so afterwards in London, Laurens was positive to the ministers and other leaders that nothing more than was contained in the provisional articles could possibly be done. He opposed any compensation except in a few deserving cases of special hardship, as all that America

<sup>1</sup> *Secret Journals*, iii., 535; Bancroft, vi., 147-51; Fiske's *Critical Period*, 136-9. Congress sat at Trenton from Nov. 1, 1784, to Dec. 4, 1784, inclusive.

had done to them was more than counterbalanced by British plundering and wrong.<sup>1</sup> This feeling is strongly expressed in his reply to the application for reimbursement for Lady Juliana Penn:

Looking at the land smoking from the embers of towns and cities, echoing the shrieks of ravished virgins, crimsoned with the blood of brave defenders, & of many an innocent infant massacred by the hands of Britain's ruthless allies, I cannot refrain from tears nor from repeating the advice, "Don't chafe the survivors"; rather pour balm upon their wounds & by the charm of sympathy lead them on to forget injuries.<sup>2</sup>

Laurens's services during 1782-3-4, terminating only with his departure for America,<sup>3</sup> were of great importance and entitle him in a very true sense to be considered the first minister of the United States to England. "Possibly it may appear," he wrote, "that I have been of more real service to my Country by a Residence of five or six Weeks in Leicester fields than could have been effected by a whole Year's idleness in France."<sup>4</sup> He dealt directly with the ministry; the subjects of his negotiations were the same as those of John Adams when accredited to that court a little later, and, it may be added, his success was also the same.

Laurens wrote, August 9, 1783, that his time was so taken up with public business and applications of people in England about their American affairs that he hardly had an hour a week for his private interests. His long absence from his plantations and the ravages of the British in Georgia and South Carolina reduced him, under the heavy expenses of himself and family, to allowing Congress to pay part of his expenses in Europe, which it was his intention to avoid except under necessity. It will be recalled that before leaving America he dispatched a cargo of indigo to Europe against which to draw, but was plundered of the greater portion. Yet in April, 1782, he declined Franklin's offer of money.

<sup>1</sup> Laurens to Bridgen, Aug. 10, 1782, in Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> Laurens to Wm. Manning, Dec. 5, 1782, in *ib.*

<sup>3</sup> Wharton, vi., 795-7.

<sup>4</sup> Laurens to Jas. Lovell, from London, Apr. 7, 1783, in *Mag. of Amer. Hist.*, xiii., 278.

I know too well, how much you have been harassed for that article; and too well how low our American finances in Europe are; therefore if I can possibly avoid it, I will not further trouble you nor impoverish them, or not till the last extremity. Hitherto I have supported myself without borrowing from anybody, and I am determined to continue living upon my own stock while it lasts; the stock is indeed small; my expenses have been and shall be in a suitably modest stile.<sup>1</sup>

As late as September 5, 1782, he was still "able to support myself in a frugal style." November 22 Benjamin Vaughn, who, like John Laurens, had married one of William Manning's daughters, wrote Franklin that, from his intimacy with Mr. Manning, who "is and always has been Mr. L.'s merchant," he knows that Laurens "is brought to the verge of real necessity," but "that he declines pecuniary assistance, as a man of spirit, under his present circumstances."<sup>2</sup> Toward the end of the year, on account of the loss of half the indigo he had shipped abroad for his support, he found it necessary to consent to receive pay. In December he acknowledges the receipt of 20,000 livres and says that he is ignorant of the amount of his salary under either his old or new commission, but that this is immaterial as he intends to accept nothing more, on account of the distress of Congress for money. He was not able to realize this desire; in March, 1783, he acknowledges the receipt of 16,666 livres, 13 sols as a quarter's salary, and in August 7083 livres 7 sols for another quarter, and expresses the supposition that Congress will also pay his expenses home.<sup>3</sup>

<sup>1</sup> Franklin's *Works*, viii., 482-3.

<sup>2</sup> Wharton, v., 747. On the use of the word merchant as meaning banker, Cf. the following:

"In England they remember better. These men we call private bankers—the Rothschilds and Barings and Morgans—are not even now bankers there, but 'merchants.' In reality they are the lineal business descendants of the merchants of the great East India Company."—"The Masters of Capital in America," by John Moody and Geo. Kibbe Turner, in *McClure's Mag.*, xxxvi., 4.

<sup>3</sup> The references to pay are in Wharton, v., 867; vi., 139, 304. Laurens's letter of March 15, 1783, has £16,666 13s. Whether the editor mistook Laurens's l. (livres) and s. (sols) for pounds and shillings I cannot say, as I have not seen the manuscript. The letter of June 27th shows that it should be livres and sols. Laurens's salary as minister to Holland was

We must return for a moment to Laurens's family, whom, except his son, we left at Vigan. During these months Martha proved that, despite her "decided preference for Mr. Locke and Dr. Witherspoon" and an almost unbelievable learning in theology and the classics, joined with a profound piety which later partook decidedly of the morbid, she was in one respect very much the same as other young women of twenty-two. She became the object of the addresses of "a gentleman of latitudinarian sentiments," a middle-aged Frenchman named De Verne. To her father's anger she "made engagements" with "this stranger," as he called him, and defended him as "a gentleman whose only fault is that he cannot join house to house and lay field to field."<sup>1</sup>

Ah, mistaken child! [replied her father.] The "gentleman" has a "fault" or a discretion which you will not see—he has declared that his affections are fixed on "houses & fields" acquired by my labor, while he has none to add to them, nor does he, nor means he to labor for any. *You* he would make the vehicle for conducting him to the possession of those which he supposes are already provided.<sup>2</sup>

Laurens had had enough of dependent relatives in a bankrupt brother-in-law and several unsuccessful nephews and nieces, and hotly resented the schemes of this early European seeker after American heiresses. "If she marries the man," he wrote, "she marries the family, numerous and poor; these for generations will think themselves married to her family."<sup>3</sup> His dying brother refused to give up his faithful nurse, and the girl and her aunt alike represented the impossibility of her joining her father. Despite his jealous suspicion that they fostered the courtship to keep Martha with them, his pity

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£1500 sterling; as peace commissioner £2500 sterling. Sept. 22, 1784, the Clerk of Accounts certified upon Laurens's itemized statement that the United States was due him \$19,948 89/90 for salary and expenses in Europe—the exact amount of his claim.—Laurens MSS. in Lib. of Cong.

<sup>1</sup> Martha Laurens to Henry Laurens, Aug. 6, 1782, in Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> Laurens to Martha Laurens enclosed in his letter of Aug. 19, 1782, to Henry Laurens, Jr., in *ib.*

<sup>3</sup> Laurens to Henry Laurens, Jr., Aug. 22, 1782, in *ib.*

triumphed nobly. "Take care of my brother," he wrote, "let me suffer rather than him." And Martha proved her duty by refusing longer to see De Verne, who then in his folly sought at the pistol's point to force her aunt to disclose the girl's hiding-place. Years afterwards, when Martha was Mrs. David Ramsay, her husband and this piratical fortune-hunter passed a pleasant evening together without either knowing of the other's relation to her.<sup>1</sup>

It was indeed, as Laurens lamented, a "distressing dilemma;" his brother's life about to be shortened, as he was assured, by the faithful Martha's leaving him, and the father's own shattered health and her own interests demanding her presence with him. His health had been almost perfect before the autumn of 1765, except for a rheumatic pain which troubled him for upwards of four years preceding that date—the precursor probably of the gout which attacked him in 1768 and became severe in 1774.<sup>2</sup> He entered the Tower ill, and seven months after his release he wrote, "fifteen months close confinement has shivered one of the best constitutions in the world and made me an old man."<sup>3</sup> Though not in extreme years, he was indeed old and broken. The wreck of his health and the tragic loss of his dearest son closed the drama of his life except for the last quiet scenes. He wrote to Martha, January 7, 1783:

You will consider well how time is passing away, the necessity for my return to America, my age, infirmities of body, and the distress of my mind. God has been pleased to deprive me of him who had given good earnest to rest on him as the prop of my declining years. My youngest son unprovided for in almost every respect; my daughters distant and by various causes withheld from me. My brother represented to be in the most deplorable situation; my sister consequently involved in grief. My country not only demanding, but in opposition to my own inclination at the present time, commanding my services. I say contrary to my own inclinations at the

<sup>1</sup> The authority for this and the following incidents are, besides the citations already specified, Ramsay's *Memoirs* and Laurens's letters of Dec. 7 and 30, 1782, and Jan. 7, 1783, and one other whose date I neglected to take.

<sup>2</sup> Laurens to Thompson, April 25, 1766, and to Fisher, Feb. 27, 1766, and Dec. 14, 1768, all in Hist. Soc. Penn.

<sup>3</sup> Laurens to Thos. Day, Aug. 10, 1782, in Laurens MSS. in L. I. Hist. Soc.

present time, because I think she might and ought to dispense with them and give me a little respite.

Martha came to him in February. When she reached him in London, where he had arrived from Bath in an effort to meet her in Paris, she, "like a true American woman, had with her maid traveled upward of nine hundred miles alone."<sup>1</sup> She became his nurse, and he says, the best clerk he ever had. Martha wrote her aunt that her father was suffering terribly with gout in his head and side, that he was much worried about money matters, is "yellow as a corpse" and was giving directions what to do should he die. This very sick man was just back from his fourth trip to the continent within a year and in less than three weeks was again to repair to Paris at the urgent call of Franklin, and after returning to London on public business was soon to post off on a last visit to his dying brother in southern France and back to England. The wonder is that he did not resign his commission along with all other earthly concerns in a way Congress could not choose but accept.<sup>2</sup>

The chimes of St. Michael's church in Charleston were a part of the loot of a British officer in 1782. In the summer of the next year, says Laurens, they were offered to him for sale; but he scorned to buy what had been stolen.<sup>3</sup>

<sup>1</sup> Laurens to Wm. Drayton, Feb. 15, 1783; S. Vaughn to Franklin, Feb. 3, 1783, in Franklin papers in Am. Philosophical Soc. Ramsay's *Memoirs*, 25, is inaccurate in saying that she joined her father in Paris. Hearing of her approach, Laurens met her in London about Feb. 10, 1783. Laurens later returned to Paris, at which time Martha may have presided over his table there, as Dr. Ramsay relates.

<sup>2</sup> Truly we had an afflicted company of ministers. Franklin suffered from gout and gravel and Jay had to visit Bath in 1783-4.

<sup>3</sup> A London merchant who had resided in South Carolina, naturally not so wroth as one to the manor born, bought them and reshipped them to their home. They were rung until 1862, when they were shipped to Columbia for safety. In the burning of that city by Sherman's army they were cracked. Sent to England the next year, they were recast by the same formula and in molds made with the same trammels used in making them 102 years before. They were first hung in 1764. No difference could be distinguished in the tone after the recasting.—McCrary ii., 276, n. 1.

In the spring of 1783 there occurred a quarrel between Laurens and Edmund Jenings on which we must waste a few moments. Jenings was a quarrelsome, place-hunting American who resided during the Revolution in several European countries. He greatly impressed John Adams, who commended him to the honor of Congress and asked Laurens in confidence to get him appointed secretary to the peace commission.<sup>1</sup> Laurens, after being for a while on friendly terms with Jenings, became convinced by his suspicious conduct and "semi-admissions" that he was the author of anonymous letters seeking to sow dissension among the commissioners and accordingly withdrew his intimacy and warned his colleagues. Jenings thereupon, during Laurens's absence in Paris, issued a pamphlet for private circulation on *The Candor of Henry Laurens, Esq., Manifested by his Behavior to Mr. Edmund Jenings*. On returning, the gentleman assailed issued from Bath, *Mr. Laurens's True State of the Case, by which his Candor to Mr. Edmund Jenings is Manifested, and the Tricks of Mr. Jenings are Detected*. As he was informed Jenings had sent a quantity of his pamphlets to America, Laurens sent forty-two copies of his to protect his reputation before Congress and other citizens.<sup>2</sup> Jenings replied in *A Full Manifestation*, and here the matter ended. The spat was of little moment. Whether Jenings sought the appointment or was first approached by Adams I do not attempt to say. Wharton judges that Laurens's proof of his being the author of the anonymous notes is strong. Laurens's letters of January 20, 1783, etc., to Bridgen<sup>3</sup> leave no reasonable doubt of the fact. Laurens assured Foreign Secretary Livingston,

I do not esteem it a trifling affair to remove a wicked and mischievous favorite from his influence in our councils.

It is interesting to observe that Jenings, like the slanderers against whom Laurens was warned in the anonymous letter of November, 1782, was the originator of some of the innuendoes which have been repeated long after in quarters which should

<sup>1</sup> Wharton, iv., 285, n.; v., 421-2, 662.

<sup>2</sup> Wharton, vi., 693-4.

<sup>3</sup> Laurens MSS.



have been more discriminating; opposite all of which we might write, as did Laurens with his own hand in the margin of the copy in the Charleston Library, "Totally false."<sup>1</sup>

Laurens received, January 25, 1783, the permission granted April 1st to return to America.<sup>2</sup> He had been so much benefited by Bath, the dry pump, etc., that he could speak in August of taking a final term there "in hopes of confirming my lately recovered health." On the point of engaging passage, he received a plea from his dying brother to come to him once more. Leaving London about the middle of September and visiting Franklin at Passy, after about two and a half months in southern France he was back at Bath about the end of the year. In the middle of January he left there to embark for America, but being taken violently ill, was confined seven weeks in London and as soon as able returned for recuperation to Bath. James Laurens died about February, 1784, and Laurens was delayed by awaiting the arrival of his widow.<sup>3</sup>

Leaving his sister-in-law, daughters, and granddaughter to sail later directly for home while he made his necessary appearance before Congress,<sup>4</sup> he left London June 6th for Fal-

<sup>1</sup> Mr. Laurens gives the following explanation of Mr. Jenings' charge of blasphemous use of Scripture: "Mr. Jay, Mr. Laurens and this Mr. Jenings were sitting by a fireside in Paris. Mr. Jenings, who is a great story teller, was relating a certain unexpected meeting with a female acquaintance; he said that the lady appeared like an angel, and that at first sight he started. Mr. Laurens smiled; Mr. Jenings repeatedly pressed him for his thoughts. 'Why,' said he, 'if you will have them, I was thinking that I never heard but of one animal before that started at the sight of an angel.'" <sup>2</sup> Wharton, vi., 410, 507.

<sup>3</sup> Ramsay's *Memoirs of Mrs. Ramsay* says Jas. Laurens died in 1784; a letter of March 18, 1784, from the Countess of Huntingdon in the Laurens MSS. in the S. C. Hist. Soc. consoles Laurens on the loss of his brother. Mrs. Jas. Laurens returned to South Carolina with Laurens's daughters and died July 8, 1785.

<sup>4</sup> S. Hardy to the Governor of Va., Aug. 13, 1784, in Va. State Lib. Executive Papers, iii., 604; transcript by Carnegie Institution for *Letters from Members of the Continental Cong.* I have been so particular in tracing Laurens's movements in order to show the groundlessness of Wharton's innuendo, ". . . why, after peace, he should have remained abroad for three years, are questions as to which in his correspondence the same irresoluteness is displayed." That he was aware of the danger of

mouth, and after a seven-weeks' passage landed with his son, August 3d, in New York, whence he repaired before the end of the month to Philadelphia.

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being misjudged under circumstances which forbade a public explanation is apparent from his remark in his letter of August 22, 1782, to Henry Laurens, Jr. (L. I. Hist. Soc.), that Martha's affair with De Verne may "cost me a winter's journey to Vigan at the hazard of my life & the risque of my reputation at home." I find no other hints of his fearing that anything in his stay abroad might injure his good name. Wharton doubtless never saw these private letters; but the groundlessness of this slur, like so many of his other statements about Laurens, is so plainly exhibited by Laurens's letters in the *Diplomatic Correspondence* that one is tempted to believe that Dr. Wharton either passed on the malicious hints of anonymous slanderers without examination or entrusted such editing as the letters got to an assistant.

## CHAPTER XXVI

### LIFE IN SOUTH CAROLINA AFTER THE REVOLUTION, 1784-92

AFTER returning from England in the summer of 1784, Laurens remained from about the middle of August to the middle of November in Pennsylvania, about half the time in Philadelphia. His desire was doubtless to report in person to Congress, which had adjourned from Annapolis June 3d and met again November 1st in Trenton. When he faced that body he urged upon them the same idea regarding a commercial treaty with England which they afterwards sought to carry out.

The experience of nine years without an executive head had led with some at this time to a sentiment in favor of transforming the mere presiding officer of Congress into a more powerful and serviceable official. The position now being vacant, there was therefore indecision whether to choose a temporary president pending a reform. The rule had been tacitly followed of giving the office to each State in succession; but the possibility of its being increased in responsibility led now to a canvass on the basis of personal ability. Jay, Laurens, and Richard Henry Lee were most prominently mentioned. The proposed change in the character of the office did not occur, but the precedent of passing the position around the circle of States was broken by the election of Lee, November 30th.<sup>1</sup>

<sup>1</sup> The following letters are the principal source of the remarks concerning the presidency:

Richard D. Spaight of North Carolina to J. F. Mercer of Virginia, from Philadelphia, Nov. 6, 1784, in Roberts Collection, 736, in Haverford College

Leaving Pennsylvania the 24th of November,<sup>1</sup> Laurens began the long and painful overland journey to Charleston, where he arrived with his only surviving son, January 14th, 1785. His two daughters and widowed sister-in-law and John Laurens's little Fanny arrived from London the 11th of the

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—transcripts in Carnegie Institution for *Letters from Members of the Continental Congress*:

"On talking with the gentlemen who have returned from Trenton, I find they do not approve of the plan of having a President for the week, they wish to have him for the year, with the table as usual, but incline to break through the rule which seems to have been tacitly consented to by Congress, that is, that each State should have a President before any one should have two: After it had gone thro' all the States except four, I think it would be treating them with particular indignity to throw them out, unless Congress thought it was necessary to place the presidency upon a different footing such as the mode you propose or some other which would materially alter it. The South Carolinians in case this should take place, are for putting Laurens in the chair. I don't know the gentleman, or what his abilities are, but this I think, that his conduct during the time he was a prisoner in England was not such as to entitle him to the honor of being a second time elected President—besides if the rule is broke thro' other States have men in their delegations whom they would wish to bring forward and with as much propriety I am sure as So. Carolina can Mr. Laurens."

S. Hardy, of Virginia, to Gov. Harrison, from Philadelphia, Nov. 7, 1784, in Va. State Lib., Executive Papers, iii., 621 (transcript in Carnegie Inst. as above): Am just going to Congress at Trenton; "Conjectures are various who will be appointed President—Mr. Jay—Mr. Laurens, and Mr. Lee I hear are all mentioned."

Monroe to Madison, Trenton, Nov. 15, 1784, in Madison Papers in Lib. of Cong. (transcript in Carnegie Inst. as above):

"We know not whom we shall have for Presidt. of Congress. The delegates of S. Carolina think of Mr. Laurens but if I may venture a conjecture from what I have observed, with respect to Mr. Laurens's intentions I sh<sup>d</sup>. suppose his object was to attain the appointmt. to the Court of G. Britain; the rule heretofore adopted in the election of President will I think be deviated from; If this sh<sup>d</sup>. be the case it is not improbable Rich. H. Lee may be elected."

It is unnecessary to say that Monroe was mistaken in thinking that Laurens wanted any appointment whatever. He perhaps came to that opinion because of Laurens's talking, as another Congressman informs us, of the favorable disposition of the English King and ministers toward making a commercial treaty.

<sup>1</sup> Laurens's letter of May 31, 1786.

following May.<sup>1</sup> Aged with hardships, illness and sorrow, the battered old patriot was at last free to gather around him after so many years of separation the fragments of his broken family, which had been scattered over two continents for thirteen years. Although he answered every attempt of his State to force honors upon him by steadily refusing to be drawn from his retirement, he was not a conquered or embittered man. His last years were calm and strong; he was the peaceful, kindly, seasoned veteran, the enlightened planter, the humane master, the steady friend.

The esteem of his fellow-citizens was indicated by their electing him to the "Jacksonborough" Legislature and to Congress and again to the State Legislature, and in 1787 to the Federal Convention.<sup>2</sup> But he was disgusted with public life and glad to be out of it.<sup>3</sup> As if the testimonials directly to the father were not enough, his son who had not been in the State since he left it as a child of eight years, was elected to the Legislature immediately upon his return as a youth of twenty-one, and was again elected in 1787 though not a candidate, but did not serve. The same year that Laurens returned home the seven huge judicial districts of the State were being divided into the counties which have ever since formed the basis of its administration, and one of them was in his honor given his name.<sup>4</sup>

<sup>1</sup> Letter of June 2, 1786, and *Gazette of the State of S. C.*, Dec. 16, 1784, and Jan. 17, 1785; *S. C. Hist. Mag.*, ii., 269, n. 1, quoting *S. C. Gazette and Public Advertiser* of May 14, 1785. Misses Martha and Eleanor were called by their nicknames Patty and Polly even by the newspaper. Martha was also called Patsy.

<sup>2</sup> *S. C. Gazette*, March 27, and Dec. 6, 1784; *Charleston Morning Post and Daily Advertiser*, March 10, 1787.

<sup>3</sup> Letter of April 14, 1786.

<sup>4</sup> As it is sometimes said that Laurens county was named for Col. John Laurens, I give the following: Dr. John A. Barksdale, of Laurens county, was the son of Allen Barksdale, who lived from 1783 to 1870, and his wife Nancy Downs, who lived from 1787 to 1866. Nancy Downs was a niece of Major Jonathan Downs of the Revolution, who died about 1818. For this information and that which follows I am indebted to C. D. Barksdale, Esq., of Laurens, son of Dr. John A. Barksdale. An editorial in the *Laurensville Herald* of March 15, 1907, quotes Dr. Barksdale as follows:

Laurens retired to Mepkin, his plantation thirty miles up the Cooper, and spent his remaining years as a kindly, progressive planter. From October to June inclusive the family lived upon this delightful bluff amid a beautiful park overlooking the river. To the city house the girls about the end of June, "for fashion sake go to town." His old enemy the gout visited him from time to time, and he usually felt unable to travel except to Charleston and back by water. It was a sufficient task gathering the loose ends from his many years' absence, to say nothing of the depredations wrought by the British. The city house was well-nigh a wreck, and at Mepkin the enemy had destroyed his residence along with many of his houses, books, and papers.<sup>1</sup>

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"Dr. Barksdale further stated that Jonathan Downs—a blood relation of the Doctor's—was one of the commissioners appointed soon after the close of the American Revolution to lay off and name the several subdivisions of the State, then called Districts; that in the course of the procedure in the convention, when it came to name this County, some member of the Commission moved that it be called Downs District, in honor of Jonathan Downs. To this Mr. Downs objected, and moved to amend by offering as a substitute the name of Laurens, in honor of Henry Laurens—and it was so done."

This quotation manifests some confusion regarding Legislature, Convention, and Commission. The counties were named by the Legislature, not by any convention. Also notice the common error of supposing that the counties were at first called districts, as they were in fact only from 1798 to 1868. Major Downs was not named by the act as one of the commissioners to lay off the counties, though it is not impossible that he may have been later appointed by cooptation to fill a vacancy. His suggestions were probably made in the Legislature.

An article by Dr. Barksdale himself in the *Charleston News and Courier* to the same effect as the editorial, his son writes me, has been misplaced. Mills' *Statistics of South Carolina*, published in 1826, says, p. 604, that the county was named for Henry Laurens.

<sup>1</sup> For details of the damage to the city place, see Chapter V., p. 62, n. 4. The authority quoted there, Laurens's servant James Custer, wrote him June 13, 1780, that the British "markt the one haffe of your haul Burow glass," and at Santee "they have takeing all of your horses and the filler-delphy Black Stallion & the young Stallion." The only consolation was that Laurens's negroes did not follow the British so largely as others nor did his plantations suffer so severely. All this the faithful Custer addressed;

He had previously lived in the city, but for the rest of his life Mepkin was his home. Here he occupied an overseer's cottage until he could replace the burned plantation house with a fine nine-room residence, for which he ordered from Philadelphia marble slabs, chimney backs, and lightning rods, and from London hardware, paint, glass, and wall paper, "none gaudy or glaring."<sup>1</sup> I will soon have a chamber, he wrote an English friend, "the Duke of Richmond would upon a pinch be glad to lie in." He lived in the country not only from preference; the war had cost him about forty thousand pounds; cash was scarce except when a new flood of paper belched forth; Mepkin furnished well-nigh everything he needed, and he had no money for the city market.<sup>2</sup> He cast the seed upon his still fertile acres and opened up his own commerce direct with England and to some extent with France on a sterling money basis, and in general manifested the same sleepless attention, unresting pursuit of the matter in hand, and genius for order and detail in recouping his fortunes which had served to build them. "A ship of 300 tons," he wrote, "may load at my wharf and proceed safely to sea." How his skill raised Mepkin above the level of its neighbors is described in December, 1785, in the diary of an alert observer, Timothy Ford:

Within sight of Washington [plantation] is the seat & plantation of his excellency Henry Laurens, agreeable prospect of which induced us to visit it today (Thursday) Contrary to our expectations he had gone to Town we were not however disappointed of viewing the place which displays the beauties & advantages of nature no less than the ingenious improvements of its owner. He is a rare instance of method, whereby his plantation raises itself above those of this country in which every thing is done immethodically by the round about means of force & labour. One may here & there be found who rising above the prejudices & shaking off the Supine Carelessness of the country ventures into the use of machinery & the contrivances of art; and what makes it Still more Surprising that they are not imitated

"My hounerable MaSter I Send you hear a few lines in hopes they may find you in as good State of helth as the times Sir will admit of as for our Selves Master here are but indifferen as the times are but Indifferent."—Laurens MSS. in L. I. Hist. Soc.

<sup>1</sup> Letters of May 19, 1786, July 13, 1787, etc.

<sup>2</sup> Letters of Feb. 18, 1783, Déc. 12, 1785, Sept. 10, 1785, Feb. 13, 1786, and April 20, 1786.

more is that they are generally very Successful and find their account in such undertakings.<sup>1</sup>

Laurens tells us that his efforts to reward "and make the whole happy" were at least partly in recognition of the fidelity of his slaves during his long absence and the temptations to run away which the war had afforded. He provided his plantations with various labor-saving devices, sometimes at great expense, to spare them excess of hard labor.<sup>2</sup> "But these improvements are the pleasure of my life, more particularly as they contribute to bring my poor blacks to a level with the happiest peasants to be found in Europe." He imported the first seed of the tallow tree, and during his residence abroad sought to secure additions to the one Barbary sheep which he had, investigated the raising of silkworms, the method of making cider and wine in Orleans, the selection of good pasture grasses, the *culture des Meuriers*, the manufacture of tallow candles, scaring crows, cultivating oil beans and extracting the oil, the cure of tropical and venereal diseases, and the raising of "Mangold Wurzel, or Root of Scarcity," a vegetable then coming into use with leaves like spinach and roots and stalks like asparagus.<sup>3</sup>

His large Georgia estates had to be recovered from some sort of public seizure. In 1787 he offered all his property in that State for sale in England on the following terms:

1. Broughton Island place, 1500 acres,	at	£2500
2. New Hope	at	3500
3. 1000 acres near New Hope	at	500
4. Tract on Turtle River, and one or two town lots,	at	1500
		<u>£8000</u>

<sup>1</sup> MS. Diary of Timothy Ford, 1785-87. This passage, which appears to be for December, 1785, was called to my attention by Miss Mabel L. Webber, Secretary of the S. C. Hist. Society. The diary is now (July, 1912) being published in the *S. C. Hist. Mag.* Ford was from Morristown, New Jersey, and moved to South Carolina in 1785. He became a prominent lawyer and a leader in the low country party against the attempt of the up country to secure reform of representation in the Legislature 1790-1808, being one of the chief newspaper protagonists under the pseudonym "Constitutionalist."

<sup>2</sup> Letters of Aug. 23, 1785, Feb. 13, 1786, etc.

<sup>3</sup> Miscellaneous Laurens MSS. in the Lib. of Cong.; Wharton, vi., 109, quoting John Adams's Diary for Dec. 5, 1782, on the sheep.



All in one sale for £6000 sterling.

The sale was not effected and the Georgia property passed to his heirs.<sup>1</sup>

Of Laurens's losses on account of the war, part was due to outright theft by the enemy. He speaks of the plunder of his estates lying in the British treasury, and says that he has a claim of almost £2800 acknowledged by two administrations to be just, but unpaid lest its payment should encourage similar claims<sup>2</sup>; and, though he declared that all private debts on both sides ought to be paid, he naturally considered it unfair for England to steal £1000 worth of a man's negroes and burn his barns and then expect him to pay his £1000 debt to a British merchant. So far as he was concerned personally, he still held unpaid claims against old English correspondents

<sup>1</sup> As late as 1811, due to hurricanes, broken contracts, and confused foreign relations, this formerly princely domain, two plantations alone of which when the war came on had bid fair soon to be yielding "at least ten thousand guineas clear per annum," "produces nothing but annual taxes." —Ramsay's *Memoirs*, 54-5.

The substance of Laurens's will, disposing of about 20,000 acres, is as follows:

To his daughter Mrs. Martha Ramsay: The lot opposite the west front of the Exchange in Charleston, corner of Broad Street; 2000 acres near Brunswick, Ga.; one or two town lots in Brunswick; 2000 acres between Turtle river and New Hope on the Altamaha; 3000 acres, being the New Hope plantation on the west side of the Altamaha, opposite Broughton Island; also Broughton Island; all which with added cash he estimated worth £10,000 sterling.

To his daughter Mrs. Eleanor Pinckney, 2000 acres called Wright's Savannah; 3000 acres, the Mt. Tacitus place on Santee river; with added cash to be equal to £10,000 sterling.

To John Laurens's only child, his granddaughter Frances Eleanor Laurens, 6000 acres at Ninety-Six and certain lots in the suburb of Charleston called Hampstead; with added money estimated to equal £4250 sterling.

To the widow of Mr. Futerell of the Tower of London, £100, and to her daughter £50. (This Miss Futerell acted as a companion in the family of Mrs. Martha Ramsay.—*Memoirs*, 289, etc.)

After disposing of several small legacies, he made his only surviving son residuary legatee, his share including the home place at Mepkin. He says that he firmly believed the properties to be worth at least twice the figures at which he placed them.

<sup>2</sup> Letters of Feb. 13, 1786, and Jan. 9, 1787.

for such sums as £2000 and £3500. His own government, as well as that of the enemy, proved to him a heavy source of loss. The following sequence of events supplies an interesting item in American financial history:

I am content; my lands will maintain me and I am free from debt. Yet I met with a circumstance yesterday which would hurt the tranquillity of many a man. Mr. Owen adjusted an account for me with the treasury, the amount of which on my part was equal to four thousand two or three hundred solid guineas, for which I am allowed as much paper as would yield me about two hundred and fifty. The treasurers determined according to a general rule and will make no exception in favor of Mr. Laurens. How severely must similar adjustments be felt by men who are in debt, by widows or orphans. The rule appears to me unjust and iniquitous; but I must not add the loss of happiness to that of money.<sup>1</sup>

The United States Government was also his debtor, to his sorrow. June 17, 1786, he wrote that he had "a good deal more than £2000 sterling" invested in United States loan office certificates and State indents; and he regrets that his brother's estate "is almost wholly involved in that sort of trumpery."<sup>2</sup> As late as 1792 he was still seeking payment from Congress for ten thousand bushels of rice furnished Continental troops in 1777. A brighter day came with the new Constitution and Alexander Hamilton. March 13, 1792, Laurens wrote

<sup>1</sup> Laurens to Wm. Bell, June 3, 1785. Joseph Kershaw to Laurens, May 15, 1786, says he (Kershaw) suffered £15,000 sterling by the British army and bids fair to suffer almost half as much by the American.

<sup>2</sup> Laurens's conduct in regard to his brother's will was very magnanimous as also were his proceedings in settling the estate. The will was sent to him at Calais by his brother from Vigan. James, intending to make Henry's children his principal heirs after his widow, named them as residuary legatees. Henry, knowing the changed condition of affairs in the United States, saw that the will as it stood would reduce his children's share to something very small; yet he refrained from suggesting any change and returned it to his brother with the remark, "Every man's will ought to be his own." James's partners had, without his knowledge, involved him in a large debt in England. The estate was greatly reduced by the war and in fact equaled only about two-fifths of the debts. (Laurens to Rolleston, Dec. 12, 1785.) How far the redemption of the public credit after the establishment of the Federal Constitution benefited the heirs I cannot say, but that it had some effect is evident from Laurens's letter of March 13, 1792, to William Bell, quoted below.

his agent Bell that he had \$56,854.15 of three per cent. and six per cent. "loan office receipts or certificates," \$45,281.98 of it on account of his brother's estate; that he is offered eighteen shillings in the pound, but hears that he can get pound for pound in Philadelphia or New York; please attend to it.—Very different news from the 250 guineas worth of paper received for 4200 guineas of gold of which he wrote Mr. Bell seven years before. Incidents like these help to explain what classes labored for the new Constitution and the changes in the business world which followed their success.

Laurens's letters give a vivid picture, not only of the deranged finances, but also of the crippled agriculture and shattered business of the years following the Revolution. The unscrupulous and quick-witted had their heyday; to the honest routine man it was a sorrowful time. Yet many lived happily, though deeply in debt, hoping for means of parrying payment till better days or waiting for death to wipe out their obligations. Credit was already dead.<sup>1</sup> The very best men were failing in their payments in 1786. Stay laws<sup>2</sup> protected the debtor, who, rejoicing in this immunity, often lived in extravagant luxury and sported and speculated on the money of his defrauded creditor, who was pinched with want.<sup>3</sup> Laurens wrote, April 14, 1786, that he was frequently reduced to less than a dollar in cash. As he always made it a point to belong to the creditor class and was not willing to become rich by buying on time and paying later in depreciated paper, he suffered heavily from the affliction common at that period of his debtors "pursuing (him) in triumph and paying (him) without mercy."<sup>4</sup> But the following picture of almost absolute starvation in a letter of Laurens to Edward Rutledge is

<sup>1</sup> Letter from Laurens, Jan. 9, 1786.

<sup>2</sup> Stay laws of 1782, 1783, and 1784 suspended suits for debts antedating Feb. 26, 1782, until 1786, when one-fourth of the amount became suable.—Stat. at Large, iv., 513, 640, and vi., 628.

<sup>3</sup> Laurens's letter of 1787. Cf. a remarkable article by a woman in very vigorous English and displaying a rare knowledge of economics in the *Charleston Morning Post and Daily Advertiser* of April 11, 1786.

<sup>4</sup> Witherspoon's phrase quoted by McMaster in *American Historical Review*, xi., 522. Laurens to F. Bremar, Aug. 15, 1783.

more pathetic and helps us to understand the stay laws and paper-money craze.<sup>1</sup>

Your overseer has applied to me for a hundred bushels of corn to feed your negroes. I doubted my ability to spare it. "The poor man exclaimed, 'The negroes won't have a bite after next Sunday.'" "This affecting stroke moved me" to run my own stock low and scrape together a hundred bushels of corn, peas and rough rice from my Mt. Tacitus plantation to supply your negroes for the rest of the season. The overseer "retired with joy."

If Edward Rutledge's negroes were in danger of starvation, we may imagine the hardships which the poor, white and black alike, suffered in the track of the British devastation and the industrial and commercial paralysis which followed. Laurens supplied food to others besides Rutledge, sometimes at his own serious inconvenience. But the human spirit is very elastic and soon forgets hard knocks in hearty sport. About this same time Laurens alludes to a great horse race attended by people from all over the State; but there was not much money there, for all his efforts to have a nice horse sold for a friend were unavailing. Business and agriculture, struggling to regain their feet, were beaten down by act after act of the Legislature destroying the obligation of contracts, making honest industry a hardship and repudiation the sure road to wealth. Not only domestic but foreign trade was gleefully hamstrung. Says Laurens, writing January 6, 1787:

An infamous law enacted by the late House of Assembly, committed at the same time a violent infraction of the treaty of peace and every principle of justice, working the destruction of creditors on both sides of the water, aggrandizing too many who ride in coaches, make gainful speculations with the money which ought to be applied to the discharge of their debts, and sneer at their suffering creditors. From the time of my arrival here to the present moment, I have not received a single farthing, either principal or interest of bonds due to my brother's estate or myself.<sup>2</sup>

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<sup>1</sup> Laurens to Edward Rutledge, May 24, 1786. The quotation is condensed except where the quotation marks show it to be literal.

<sup>2</sup> Cf. the presentment of the grand jury of Ninety-Six district, South Carolina, in December, 1788, declaring "that many acts of the legislature screening the debtor from the just demand of his fair and bona fide creditor have had a very pernicious influence on the morals and manners of the people." Quoted by McMaster in *Amer. Hist. Rev.*, xi., 522.

And again, two days later, he wishes that credit was abolished for three or four years so we might "get out of debt and become honest again." "Reason is too feeble for stemming the torrent." "I can lend, however, no assistance to the reform; the time is over with me." To the many merchants who applied to him for recommendations to European houses, his answer was uniformly:

I will encourage no house in Europe to give credit to men in any one of these States until there shall be an act of Assembly in the State from which the application is made for obliging debtors to fulfil their engagements with their creditors beyond sea.

The complications concerning commerce and unfulfilled treaties roused his apprehensions of foreign war, and he predicted that only some new calamity would bring the country to its senses.<sup>1</sup> But despite all this he never lost faith in the future. The sickness of the State he regarded as temporary as it was inevitable, and prophesied with a statesman's outlook that sound health would follow these bitter experiences:

Our nation is in a state of infancy, and sorry I am to repeat, that from the moment peace was announced, our citizens throughout the Union have acted like infants in politics and prodigals in life and manners. The evil, I know, will purge itself; but we shall receive, and have already received, many a woeful pang in the operation. You know my sentiments fully on these subjects. All the West India ports would not have been shut against us had we asked with sagacity in the beginning.<sup>2</sup>

Amid the wreckage of business and politics, Laurens was still blessed with an affectionate family life. January 23, 1787, his remarkable eldest daughter Martha, aged twenty-seven, became the third wife of that remarkable man to whom as statesman, citizen, and historian South Carolina owes so much, Dr. David Ramsay.<sup>3</sup> "Polly is too young, the answer given to a late attack" on the heart of sixteen-year-old Mary Eleanor. Nevertheless the young people had their way, and April 27, 1788, the day she was eighteen, she became the wife of Charles Pinckney, who was the founder of the Democratic party in

<sup>1</sup> Laurens to Joseph Kershaw, June 17, 1786.

<sup>2</sup> Laurens to William Bell, July 1, 1785.

<sup>3</sup> Johnson's *Traditions*, 326.

South Carolina, four times Governor of the State, and one of the most influential men in the formation of the Constitution of the United States. Four years later she died as her mother had died with her, with a child twelve days old, who became Henry Laurens Pinckney, the founder (1819), editor and owner of the *Charleston Mercury* and a distinguished politician and man of letters. One of her two daughters became the wife of Robert Y. Hayne.<sup>1</sup> John Laurens's little daughter "Fanny is truly a very good child," improving in books, manners and needlework. May 26, 1792, Laurens's only surviving son, Henry, married Eliza, daughter of his old friend John Rutledge. "Henry of the Tower," as he is distinguished in family parlance from others of the name, was much pleased with his new daughter. Family tradition has it that, regarding Henry, junior, as now the head of the family, he resigned the mansion at Mepkin to the young couple and built himself a cottage about a hundred yards away. Whether he really manifested the delicate sensibility regarding the in-law relation which this story implies, or whether the cottage was in any event the one he already had from the days succeeding the Revolution before rebuilding his burnt mansion, the old man closed his days as he might have wished. Though he and John Rutledge had failed to establish the college they strove for in 1770, his son was happily married to that friend's daughter, and his two daughters were married to two of the original board of trustees of the college when it was finally founded in 1785.

<sup>1</sup> "Col. Miles Brewton and Some of his Descendants," by A. S. Salley, Jr., in *S. C. Hist. Mag.*, ii., 145, for date of Eleanor's marriage; cyclopedias, Jervey's *Hayne*, 48, etc., for other data.

## CHAPTER XXVII

### OPINIONS AND CHARACTER

**I**N looking back over Laurens's career I am impressed that the political circumstances of his period never admitted of his displaying his talents in their most appropriate sphere. The political organization of the times threw him into legislation and diplomacy, except during his service as head of the executive branch of South Carolina during the few months during which that was in the hands of the Council of Safety. Success as a great merchant and as the administrator of many widely separated plantations, ranging in their development from the crude forest and swamp to the highest stage of cultivation, indicate that his talent lay mainly in administrative and executive lines. The traits of his character bear the same testimony. Quick of perception and impatient with inefficiency, bungling, ignorance or stupidity, his mind moved straight to the mark of his own well-defined purpose. Though courteous and easy in his bearing, the clear-cut, concise, and positive ring of his discourse revealed the man who had been accustomed to give orders and see things accomplished.

The following story handed down in the family indicates what kind of house he kept: Calling the butler one day, he pointed to a small grease spot on the floor and without a word awaited an explanation. The old negro said in confusion, "I reckon it mus' be grease, massa." Mr. Laurens replied, "I do not recognize it," and passed on. The butler called his son whom he had in training, and assuming the recent manner of his master, pointed to the spot with the words, "Two minutes!" As soon as the task was done (and we may be sure

it was accomplished in the allotted time), the sounds from the stable left no doubt that the young butler-to-be was receiving a lesson from his trainer calculated to prevent their master's finding any more spots which he did not recognize.

Laurens had a keen feeling for beauty in nature and literature, though his trend was not specially towards the æsthetic. His garden was one of his greatest delights. In narrating his bivouacs in the beginning of the Revolution he speaks of "having lodged not above three nights in full view of the most beautiful ceiling in the universe."<sup>1</sup>

The walls of his library are set with bookcases, still perfectly preserved and marked with dignity and beauty of design. Now that the property is owned and rented out by a railroad company they should be transferred to some historic building for preservation. He read considerably and very thoroughly in English, but had no classical education and does not appear to have mastered any foreign language. Biography, history, and travel were his favorites.

He used to observe [says David Ramsay, his son-in-law,] that many passages of admired authors were borrowed either in matter or manner from sacred writ, and in support of this opinion quoted among other examples, "God tempers the wind to the back of the shorn lamb" of Sterne, as an imitation of "he stayeth his rough wind in the day of the east wind" of the prophet Isaiah; and the interesting "lovely young Lavinia" of Thomson as a portrait of the bible Ruth by a modern hand, with a little alteration in the drapery.<sup>2</sup>

After quoting a passage from Leigh's pamphlet in their Court of Vice Admiralty dispute, Laurens shows us something of his scholarship by saying:

I have seen a much cleaner and more grammatical translation of this passage from *Polignac*—(which, together with many more borrowed Flowers our learned Author would impose upon his readers for fruit of his own genius)—done by a School Boy of fourteen Years old.<sup>3</sup>

He tells us in the same connection that he does not under-

<sup>1</sup> Laurens to John Laurens, April 8, 1775.

<sup>2</sup> Ramsay's *South Carolina*, ii., 485.

<sup>3</sup> *Appendix to Extracts*, etc., 2, note. An early example of Macaulay's precocious "school boy."



which the wise man tells us "are the ways to hell & leadeth down to the Chambers of Death," how many such young men I say have passed by you, & from a state of nothingness arrived at opulence & credit, leaving unhappy you in a state somewhat worse than nothing.

. . . & you will in time heal a broken character & wipe off the many spots that you have hereunto most industriously employed yourself in fixing on your reputation.

He sometimes reveals a dash of acid in his keen wit in pricking the bubbles of pomposity or pretense, and in controversy he wielded a rapier with a strong, quick thrust. In middle life he sometimes hurled at an opponent coarse epithets mingled with a quite broad humor. Anyone who lost his temper put himself at his mercy—an advantage, however, which Laurens improved the more effectively by going only so far as justice, though sometimes stern justice, warranted. Though he never "kicked a man when he was down," he was accustomed very plainly to make him understand how he came to be down and just how badly down he was.<sup>1</sup> Possessed of strong emotions, kept, however, under firm control, when roused by indignation against unfaithful public servants or by bursts of family affection, he rises into the realm of literature. Professor Tyler speaks of his "Narrative," which is by no means his best production, as

a piece of writing having such worth and charm as to entitle it to far greater fame than it has yet had, . . . and told with simplicity, sprightliness, and grace, also with a sureness of intellectual movement born of the splendid sincerity, virility, wholesomeness, and competence of this man—himself the noblest Roman of them all—the unsurpassed embodiment of the proudest, finest, wittiest, most efficient, and most chivalrous Americanism of his time.<sup>2</sup>

Laurens's kindness was one of his chief virtues, and he frequently throughout his life went to trouble and expense in aiding or defending the unfortunate, even though they had no special claim upon him. His humanity showed brightest under that greatest strain upon our social, religious, and political

<sup>1</sup> E. g., two letters of Laurens to Braund and Kaltieson, Aug. 7, 1766, in Hist. Soc. Penn. MSS.

<sup>2</sup> *Literary Hist. of the American Revolution*, ii., 242-3.

virtue, the negro. His directions as a money-getting man of forty-five to give flannel clothes and blankets where they were needed and to "be kind to Berom under his affliction," and his statement in the retirement of old age that the happiness of his slaves was his delight, are of a piece with his whole system. He had his negroes instructed in religion. The scene, described in a letter to his son, which occurred on the night of his arrival after a three years' absence from home, could not have occurred except with a genuinely kind man. He writes<sup>1</sup>:

I found nobody there but three of our old domestics—Stepny, Exeter and big Hagar. Those drew tears from me by their humble and affectionate salutes and congratulations. My knees were clasped, my hands kissed, my very feet embraced, and nothing less than a very—I can't say fair, but full—buss of my lips would satisfy the old man weeping and sobbing in my face. The kindest inquiries over and over again were made concerning Master Jacky, Master Harry, Master Jemmy. They . . . held my hands, hung upon me; I could scarce get from them. "Ah," said the old man; "I never thought to see you again; now I am happy; Ah, I never thought to see you again."

When inoculation was being introduced in South Carolina, Laurens proposed to a slave that he should submit to it, on condition that if he died his children should all be free. The negro submitted; his life was the forfeit, and his children received their dear bought liberty,—a pathetic title to a noble ancestry.

In his private life Laurens displayed the characteristic virtues of his Huguenot blood, as, *e. g.*, the firmly knit family ties and the strong authority of the parent. Though he was but forty-six years old at the death of his wife, he refrained, at a period when there was little delicacy even as to a decent time of waiting, from a second marriage rather than jeopardize the happy relations with his children, and for many months his spirit remained under the terrible shadow of his loss.<sup>2</sup> He was a kind and careful father, deeply attached to

<sup>1</sup> Laurens to John Laurens, December, 1774, in *S. C. Hist. Mag.*, iv., 265.

<sup>2</sup> Laurens's father took a second wife in three months and in so doing was not very peculiar among his contemporaries. George Washington's

his children and enjoying with them an intimate friendship which is one of the most beautiful flowers of parenthood. Hear him as, turning from his duties as head of the Revolutionary government in South Carolina in the summer of 1775, he writes to his children in Europe:

My garden looks as charmingly as a garden can look without its proper guests; I have indeed vast increase of mocking birds. Grapes plentiful; peaches ripe sooner, and nectarines better, than common and very fine; figs, damsons and plumbs in abundance; old Stepny always sober, and daily refreshing showers; but alas! what are these without my best friends—without my sons and my daughters?

Nothing could be more beautiful than the mutual confidence between himself and John, his eldest son. Shortly after hearing of his death, he wrote, December 30, 1782, to his sister-in-law:

My dear son was far off; he is placed at a little further distance from me. . . . He, dutiful son, affectionate friend, sensible, honest councillor, would have fled across the globe to conduct and serve his father. I was striving to go to him. He loved his country; he bled and died for it. I shall soon quit this globe and meet him beyond it, happy nevermore to separate.

But he was not one whit less positive as to the respect and obedience due him. It was this same father who, in writing to his brother James in the summer of 1775 to dissuade John from forsaking his studies and joining the army, said that if he insists on disobeying,

I shall give him up for lost and he will very soon reproach himself for his want of duty. . . . If these reflections prevail not over him, nothing will—he must have his own way and I must be content with the reflection, that I had a son.

John waited until permission was given, though almost twenty-two years old, and so this fearful threat was not put to the test.<sup>1</sup> It was the system under which the father had

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brother Samuel before he was forty-seven had been the husband of five wives. Remarriage by widows also seems to have been extremely common.

<sup>1</sup> On the details of this sometimes misstated incident, see Appendix, on the Life of Lt. Col. John Laurens, pp. 470-71.

been reared and under which his own father had excluded from his home a married daughter who defied his will. But the world could never forgive a father who refused his forgiveness to such a son for such a disobedience.

We recall Laurens's ideas on education. His taste in this was the same as in wall paper, "none gaudy or glaring." He writes, February 3, 1777, to John:

Give me the daughter and you the sister "possessed in an *eminent* degree of qualities which will render her valuable in society and fit her for her duty in all the relationships of life," although not *eminent* in that "grace of deportment which gives splendor to every action," in preference to a simpering toy.<sup>1</sup>

The daughters were educated after this fashion. Martha was accustomed to read the New Testament in Greek with her sons and in French with her daughters. Laurens, partial perhaps to his baby, speaks of Eleanor when a girl as his brightest child; but her early death at the age of twenty-four prevented the full manifestation of her powers.

On Laurens's religious character we are fortunate in having, in addition to his own words, the testimony of his son-in-law, Dr. Ramsay:

In the performance of his religious duties Mr. Laurens was strict and exemplary. The emergency was great which kept him from church either forenoon or afternoon, and very great indeed which kept him from his regular monthly communion. With the bible he was intimately acquainted. Its doctrines he firmly believed, its precepts and history he admired, and was much in the habit of quoting and applying portions of it to present occurrences. He not only read the scriptures diligently to his family, but made all his children read them also. His family bible contained in his own hand-writing several of his remarks on passing providences.<sup>2</sup>

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<sup>1</sup> Compare the view of the Laurens men of a "fine lady" with the Laurens women's view of a "fine gentleman" as expressed by Martha Laurens Ramsay in writing to her son:

"Of all the mean objects in creation a lazy, poor, proud gentleman especially if he is a dressy fellow, is the meanest; and yet this is generally the character of young men of good family, and slender fortunes, unless they take an early turn to learning and science."—Ramsay's *Memoirs*, 301.

<sup>2</sup> *History of South Carolina*, ii., 485.

The simplicity which marked his character appeared here too. "My religion, my dear daughter," he wrote, "is not ostentatious, nor more conspicuous in externals than is consistent with the precepts of our great Master."<sup>1</sup>

Thrifty, practical man that he was, he found the Book of Proverbs a favorite. "Your grandfather Laurens used to say," his daughter Martha wrote to her son in college, "if men made good use of only the book of Proverbs, there would be no bankruptcies, no failures in trade; no family dissensions; none of those wide spreading evils which, from the careless conduct of men in the common concerns of life, desolate human society."<sup>2</sup> Though Laurens had always "a deep rooted aversion to gaming," he would rarely, to humor the company, play for a moderate stake, always paying his losses, but refusing to accept any winnings; and though he disapproved strongly of dueling, "in two or three instances he yielded to the fashionable folly of accepting a challenge"; but, as we know, he always refused to return the fire of his antagonist.<sup>3</sup>

Laurens was an orthodox Episcopalian of the moderate Puritan—or rather let us say of the fine Huguenot type. We can never forget that it was from the Huguenot stock on both father's and mother's side that he sprang both by blood and temper. He is an illustration of the debt which America owes to this splendid element, which, as has been remarked, has exercised an influence on our history so far beyond the proportion of its numbers. Tolerance illumined his piety and made it, though firm as crystal, yet as clear. He tells us that even as a boy his soul rebelled at the damnation fulminated by the Athanasian creed against all who doubted its slightest tenet; and he frequently expressed his passionate hatred of all attempts to bind men's consciences. He had the liberalism of

<sup>1</sup> Laurens to Martha Laurens, Aug. 18, 1782, in L. I. Hist. Soc.

<sup>2</sup> Ramsay's *Memoirs*, 281.

<sup>3</sup> It is very strange that Ramsay here, like Laurens in his letters, seems to allude to a duel to which no specific reference appears. Nobody was hurt; the newspapers of that day were very skimpy and probably one duel more or less amounted to very little with a gentleman of prominence.

the eighteenth century without any of its laxness, as is illustrated by his judgment of Voltaire written in Geneva in 1773:

I know too little of Voltaire to presume to enter upon particulars relative to his history; but in general I may say that he seems to enjoy blessings which neither King nor church nor the combined force of ignorance and envy can rob us of, a sound conscience and peace of mind. His passage, therefore, be his errors in judgment what they may, must be smooth; and I have too much charity if it does not also prove safe. The mistakes of the most brilliant reptile fancy cannot defeat the schemes of unerring Wisdom.<sup>1</sup>

This is from a man who wrote regarding the outrageous midnight invasion of his house by the Stamp Act mob, "tho I would not swear I could not forbear to Damn them very heartily—a language that I had ever before been unacquainted with;"<sup>2</sup> who, when tortured with the gout, would "whistle like McAlpine instead of cursing and swearing like—some gouty fellows"; who declined ever to write a business letter on Sunday<sup>3</sup> and who ordered "a barrel organ which may serve as an ornamental piece of furniture, (and) afford as many tunes as such a machine is capable of, particularly a variety of psalm tunes."<sup>4</sup> A very pious order, and a very pious sight: the gouty old man listening in the evening of the day—and of *his* day—to the "psalm tunes" as they float out over the quiet waters of the broad Cooper and reflecting as he thinks of all those he may meet on the other side of another river that in "the schemes of unerring Wisdom" even a Voltaire may have found safe passage.

But the keynote of his religious character was resignation to the divine will. A deeper meaning of his early motto, *Optimum quod evenit*, appears in his expression as an old man, "Whatever God wills must be best, now or eventually."<sup>5</sup> Three days after news of John's death, when troubled also by other griefs, he wrote after reflecting that his afflictions were less than those of others, "If I were to murmur I should

<sup>1</sup> Laurens to Richard Oswald, May 31, 1773.

<sup>2</sup> Laurens to Wm. Fisher, Feb. 27, 1766, in Etting Papers in Hist. Soc. Penn., Autograph Letters, VI.

<sup>3</sup> Letter of Jan. 14, 1769.

<sup>4</sup> Letter of June 21, 1787.

<sup>5</sup> Laurens to Martha Laurens, Aug. 18, 1782, in L. I. Hist. Soc.

commit blasphemy."<sup>1</sup> His expression to William Bell, July 5, 1785, was only a repetition of 1770 and earlier, the outcome of a calm victory over his afflictions:

The end of all "disagreeable disappointments" can only be, my dear friend, at the end of life. Pray rather that we may have reason and fortitude to encounter and bear with becoming submission every accident and disappointment that shall in the meantime befall us.

The breadth which marked Laurens's religious character was dominant, though sometimes after a struggle, in his politics. Though ready to sacrifice life and fortune in defense of his country, he was never ready to persecute a Tory or to denominate one who refused to adopt his views a public enemy. The purity and simplicity of his republicanism were unaffected by his wealth and social position. His history and nature alike kept him free from the narrow caste spirit which by its practice disowns the liberal and progressive past out of which its own opportunity and title to distinction come. To his son he wrote, "I had added the Peerages of Great Britain & Ireland as a useful toy in your library," and concerning the Laurences of Poitiers, "They write sensibly & free from that pompous French flourish which would have disgusted me."<sup>2</sup> The son

<sup>1</sup> Laurens to James Laurens, Nov. 15, 1782, in L. I. Hist. Soc.

<sup>2</sup> Laurens to John Laurens, Oct. 8, 1773, and Jan. 21, 1774, the latter in *S. C. Hist. Mag.*, iii., 211.

Compare his daughter Mrs. Martha Ramsay's strictures upon the weak side of the old Carolina aristocracy:

"I trust you will not be indolent, and that a manly shame (to be ashamed to do wrong is a manly feeling,) will prevent your adding yourself to the list of Carolina triflers, whose conduct has brought a college, such as Princeton, into disrepute."—"You must be frugal, and not attempt to vie in wasting money with the sons of rich planters, who only go to college for fashion's sake, and whose lives are as useless as their expenses."—"Dr. Waddel has much trouble from the increased number of his town boys; the Charlestonians carry their idleness, their impatience of control, their extravagance, their self-consequence with them wherever they go, and even the best of them are, in general, far inferior to what, with their quick capacities, and lively imaginations, they might be, if they would make the virtuous endeavor."—"With regard to your spending a couple of succeeding years in Charleston, I shall oppose all my influence to so mad a scheme. You should rather spend them in the Indian country, and learn the rugged

of a man of sterling character who, compelled through his father's fidelity to religion to start life at the bottom round, was not ashamed to learn his trade at the saddler's bench and by his virtues rose to competency, Laurens repeated on a larger scale his father's history, thus supplying another illustration that on this continent an epoch of the world had begun in which undeserved class privilege was to count for less and the work of each individual for more than in older countries still held in the grip of outworn conventions. And of these conditions he was one of the finest products. Bred in the fierce conflicts of colonial politics in the most vitally creative period in the history of South Carolina, he embodied, without extravagance or extreme, the precious spirit and result of that epoch-making time. "Coming at last," says Professor Tyler,<sup>1</sup> "upon the arena of national politics, he was soon recognized for what he was—a trusty, sagacious, lofty, imperturbable character—a man whom Washington could love and lean upon; of whom even the bitterest of the loyalists had to speak with admiration and forbearance." He was one of the most national in his views, one of the most statesmanlike in his conceptions, of the men in public life during his continental service. He speaks of himself in 1783 as one who "has lost thirty or forty thousand pounds sterling and whose whole time for eight years past has been devoted to the public, estranged from his own affairs"; and in 1785, he states that the war cost him 40,000 guineas.<sup>2</sup> Did any other public servant suffer so severely, so steadily, with such knowledge of all it was costing and with such freedom from any inclination to save himself by merely laying down his task?

As Laurens lived only four years under the Federal Constitution and without part in public life, we have little information as to his attitude towards the political parties which were

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virtues of savages, than in the desultory, dissipated habits of Charleston." (Extracts from Mrs. Ramsay's letters to her son, in *Memoirs*, 283, 291, 297, 305.) We must remember that these passages strike the weaknesses of any rich society and that they are expressions of a very severe judge.

<sup>1</sup> *Literary Hist. of the Amer. Revolution*, ii., 244.

<sup>2</sup> Letters of Feb. 18, 1783, and Dec. 12, 1785.



then taking shape. Yet his history and what sidelights we possess make it impossible to doubt that his views were those of the moderate Federalists. In the years following the Revolution, the old feuds of Tory and Whig, the excitement over our relations with England and France, and the severe hardships due to the wreck of business and agriculture made South Carolina, and particularly the region around Charleston, the scene of such violent conflicts between the forces of conservatism and licentious radicalism as to threaten orderly government. The need of a bulwark against such dangers was the reason for the adoption of the Federal Constitution by the compact minority which managed the State government and for the organization of the brilliant Federalist party which for several years controlled the commonwealth.<sup>1</sup> Laurens could hardly have opposed this party without repudiating his past.<sup>2</sup> We recall that in 1779 he considered moving for a constitutional convention. "We are rather late now and much up hill work to be performed," he wrote July 13, 1787, in recalling this; "nevertheless I entertain good hopes." The following letters were written immediately after the framing of the Constitution. The desire expressed to see an end of paper money and the violation of contracts and the opinion that the President's veto should be absolute indicate his leaning towards a strong administration:

Before this arrives you will have seen the system produced by the late convention of the States. It is infinitely better than our present Confederation, liable, I think, to a very few exceptions, but it has to pass through the ordeal of thirteen Assemblies, and I am very sure some of them will not like it, because it is calculated to make them honest.<sup>3</sup>

A letter of three days later says <sup>4</sup>:

<sup>1</sup> This subject is ably treated in an article by Prof. Ulrich B. Phillips, "The South Carolina Federalists," in the *American Hist. Review*, xiv., 529 and 731, April and July, 1909.

<sup>2</sup> His son-in-law Ramsay was a leader among the Federalists; his son-in-law Charles Pinckney, though active in securing the adoption of the Constitution, was later the chief organizer and leader of the Republicans.

<sup>3</sup> Laurens to Edward Bridgen, Esq., London, Oct. 8, 1787.

<sup>4</sup> Condensed where not in quotation marks.

"I have one capital objection to the system of our late Convention," namely, that the President's veto is not absolute. It would have been better to have no veto whatever than this, as "the shadow of authority which he is at present vested with may at any time produce bickerings and animosity, but can never answer any good end." Everything else is a great improvement.

Laurens was quoted in print by William Bell, of Philadelphia, as saying that the Constitution met his views. He hastened to say, however, that in two important respects it did not: First, he thought that one house with an absolute Presidential veto would be better; and second, he thought that the representatives should be subject to instruction and recall by their States:

According to that system two houses are necessary to pass a law and the President is authorized to interpose his objections. Why should we rashly embrace the system itself, the operation only of one house? None of your writers, I think, have remarked that the delegates are exempt from being amenable to their respective courts. This in my humble opinion is a great blemish. I have much more to say on the subject, but won't trouble you; don't advertise me again. Little harm or little good can the system do me as an individual; I am hastening out of its reach; my wishes are for posterity. Yet I acknowledge the system is an improvement [upon the Confederation]. I do not see all the bugbears in it which some of your writers have depicted. Nevertheless in a work of such vast importance, 'tis our duty to proceed with cautious and wise deliberation.<sup>1</sup>

An interesting sidelight on his attitude towards a system guaranteeing uniform commercial laws, and incidentally on his sense of justice and his understanding of the principles of taxation, is his strong condemnation of internal tariff duties between the States as futile efforts of the planting interests who control every Assembly to ward off the burden of taxation from themselves. The fact that he owned twenty-four shares, in the United States Bank suggests Federalist sympathies.<sup>2</sup>

From Laurens's politics we pass naturally to his attitude towards slavery. His ideas on this subject underwent a

<sup>1</sup> Laurens to William Bell, Philadelphia, Nov. 29, 1787.

<sup>2</sup> On the internal duties, Laurens to Wm. Lee, Aug. 22, 1782, in Laurens MSS. in L. I. Hist. Soc.; on the bank shares, Laurens to Wm. Bell, Feb. 1792. Par value of a share was \$400.

gradual but steady change which transformed him from the enthusiastic importer of Africans in the '50's to the advocate of universal emancipation in 1776. His father was an opponent of the system and a prophet of its overthrow; but the temptation of the extraordinary profits to be derived from the slave trade closed Henry Laurens's heart against the precepts of that father, though they never lost their hold upon the younger brother James, who grew to be a wealthy merchant without engaging in that branch. The earliest expression on slavery which we have from Laurens is the following to his Moravian friend Ettwein in 1763, which reveals that at that early date he, like his father, condemned slavery, though he entertained no plan for its abolition:

Your observations upon the influence & effect of the negro slavery upon the morals & practices of young people are but too justly founded & I have often reflected with much concern on the same subject & wished that our economy & government differ'd from the present system; but alas! since our constitution is as it is, what can individuals do? . . . [After regretting the existence of laws sustaining slavery he continues:] We see the negro trade much promoted of late by our Northern neighbors who formerly censured & condemned it. The difficulties which a few who wish to deal with those servants as with brethren in a state of subordination meet with are almost insurmountable. The bad precepts & worse examples daily & hourly set before them by blacks & whites surrounding them often eradicates in one day the labour that has been bestowed on them for years. These are discouraging circumstances; nevertheless I am persuaded that there are some few who will not be defeated in their strife & who think that if they gain but one soul in their whole life time that they are happy instruments & as such are amply rewarded for their trouble.<sup>1</sup>

How detached were his views at that time from any practical scheme for their realization is shown by his sneering the very next year at those who voted to stop the foreign slave trade. The first actual fruit of his thoughts was the significant fact that when the trade was re-opened he chose not to take it up again.<sup>2</sup> But the seed thought had fallen into good ground, and

<sup>1</sup> Laurens to Edwin (Ettwein), March 19, 1763, in Laurens letter book in Hist. Soc. Penn. Laurens's copying clerk several times miscopied Ettwein's name as "Edwin."

<sup>2</sup> The development of the sentiment against slavery and the slave trade in South Carolina in the latter part of the 18th century is traced in Chapter

by 1776 he had determined to emancipate his own numerous slaves, and at least a small group of South Carolinians looked to general emancipation by the State, as the following notable extracts from his correspondence prove. In the case of his fellow citizens it was merely the passing enthusiasm of philosophical liberalism which swept through the world at the time of the Revolution, but with him it was the coming to maturity of views long nurtured. August 14, 1776, he wrote to his son John:

My negroes there (*i. e.* in Georgia) are to a man attached to me; so are all of mine in this country (*i. e.* in South Carolina); not one has attempted to desert. Many hundreds of that colour have been stolen by the servants of K. G. 3d. You know, my dear son, I abhor slavery. I was born in a country in which slavery had been established by British Parliaments and the laws of the country for ages before my existence. I found the Christian religion and slavery growing under the same authority and cultivation. I nevertheless dislike it. In former days there was no combating the prejudices of men, supported by interest. The day I hope is approaching when from principles of gratitude and justice every man will strive to be foremost in complying with the golden rule. £20,000 sterling would my negroes produce if sold at auction tomorrow. I am not the man who enslaved them; they are indebted to Englishmen for that favour. Nevertheless I am devising means for manumitting many of them and for cutting off the entail of slavery. Great powers oppose me: the laws and customs of my country, my own and the avarice of my countrymen. What will my children say if I deprive them of so much estate? These are difficulties, but not insuperable. I hope to receive your advice and assistance in this affair in good time.<sup>1</sup>

The declaration that he was "devising means for manumitting many of them *and for cutting off the entail of slavery*" cannot be stretched to mean more, in the connection of the words, than that he intended the freedom of the children of those who were not among those themselves set free; but a letter of 1785 shows that the prohibition of the slave trade as part of the non-importation association of 1769 was intended by a small group at least as a step towards the eventual abolition of slavery:

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VI., which see for a statement of the attitude of Laurens and others before 1776 and the history of the slave trade both before and after that date.

<sup>1</sup> *S. C. Hist. Mag.*, x., 49-50.

The time was, when we solemnly engaged against further importations under a pretense of working by gradual steps a total abolition [of the slave trade and slavery]. We were then indeed in a religious mood & had appealed to God.<sup>1</sup>

To his father's emancipation sentiments of August, 1776, John replied, October 26th, that he had long meditated the subject and entertained similar views. He wrote:

The equitable conduct which you have resolved upon with respect to your negroes will undoubtedly meet with great opposition from interested men. I have often conversed upon the subject, and I have scarcely ever met with a native of the Southern provinces or the W. Indies who did not obstinately recur to the most absurd arguments in support of slavery; but it was easy to perceive that they considered only their own advantage arising from the fact, and embarrassed themselves very little about the right. Indeed when driven from everything else, they generally exclaimed: Without slaves how is it possible for us to be rich? There may be some inconvenience and even danger in advancing men suddenly from a state of slavery, while possess'd of the manners and principles incident to that state, there may be danger, I say, in advancing such men too suddenly to the rights of freemen. The example of Rome suffering from swarms of bad citizens who were freedmen is a warning to us to proceed with caution; and the necessity for it is an argument of the complete mischief occasioned by our continued usurpation—we have sunk the African and their descendants below the standard of humanity,<sup>2</sup> and almost render'd them incapable of that blessing which equal Heaven bestow'd upon us all. By what shades and degrees they are to be brought to the happy state which you propose for them is not to be determined in a moment. Whatever I can collect from books and the conversation of sensible men shall be carefully attended to and consider'd. In the mean time I am glad to find that you had the same confidence in me that I had in you. The plan of agitation has been for some time a favorite one of mine, and I should have written my thoughts as fully upon the subject as I have spoken them here to Mr. Manning and others of

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<sup>1</sup> Laurens to the Speaker of the S. C. House of Representatives, Jan. 31, 1785, in Ford Col., N. Y. Pub. Lib. See fuller quotation below. Note the thoroughly characteristic sarcasm of the last sentence.

<sup>2</sup> The young enthusiast does not designate the time when they had ever been up to the "standard of humanity" from which he assumed they had been sunk by being brought to America. This consideration is, of course, no argument for the continuance of slavery, but it is a matter of great importance for other reasons.

our friends who have opposed me in it, but that the present state of our affairs seem'd to require the matter to be a little postpon'd.<sup>1</sup>

A little over a year later we find John even outrunning the enthusiasm of his father and proposing to raise and command a black regiment. The father replied that it was "a very serious and important affair" which they would discuss when they met. John pursued the subject with a persistence which led him to neglect portions of his father's letters bearing on other matters, until the parent felt constrained to lecture him with some impatience. It is plain, he said, your "whole mind is enveloped in the cloud of that project"; that you are wild for a regiment; but you had better take your chances of getting a white one. After exposing the impracticability of the plan, particularly on account of the character of the slaves, he continues:

The more I think of and the more I have consulted on your scheme, the less I approve of it. Wisdom dictates that I should rather oppose than barely not consent to it; but indulgence and friendship warranted by wisdom bids me let you take your own course and draw selfconviction. Therefore come forward, young Colonel; proceed to South Carolina; you shall have as full authority over all my negroes as justice to your brother and sisters and a very little consideration for myself will permit you to exercise; & so far do what you please, without regard to St. Mary Axe.<sup>2</sup> Your own good sense will direct you to proceed warily in opposing the opinions of whole nations, lest, *without effecting any good*, you become a bye word, and be so transmitted to your children's children. . . . My dear son, I pray God protect you and add to your knowledge and learning, if it be necessary, discretion.<sup>3</sup>

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<sup>1</sup> John Laurens to Henry Laurens, Oct. 26, 1776, in *S. C. Hist. Mag.*, v., 205-6.

<sup>2</sup> *I. e.*, without regard to the effect upon the reputation and fortune of his wife and child, who were living on St. Mary Axe, a fashionable street in London.

<sup>3</sup> Laurens to John Laurens, Feb. 6, 1778, in *S. C. Hist. Mag.*, vi., 50-51. It is well to state here that free negroes served in the Continental army around Boston and in every period of the war. Rhode Island emancipated every slave who enlisted, the State compensating the master. (Bancroft, iv., 323; v., 219, 369-70.) Mr. J. C. Fitzpatrick of the Library of Congress showed me a letter of Gen. William Heath to Washington, June 20, 1780, in which he speaks of Col. (Christopher) Greene's regiment "of blacks" from Rhode Island. McCrady, iii., 314, note, states that the British employed

But no prudential considerations could deter him. His idealistic enthusiasm for emancipation knew no limitations. "For my part," he declared, "it will be my duty and my pride to transform the timid slave into a firm defender of liberty & render him worthy to enjoy it himself." "As a soldier, as a citizen, as a man, I am interested to engage in this work, and I would cheerfully sacrifice the largest portion of my future expectations to its success."<sup>1</sup> It had become a fixed idea, and illustrated the most serious defect and highest glory in his make-up—a certain reckless impetuosity, uncalculating of difficulties and dashing itself in defiance of reason against insuperable obstacles—a trait sure sooner or later to make him a beneficent martyr or a useless sacrifice.

But as the fortunes of war grew more desperate many felt ready for the step which the alert and daring mind of young Laurens had projected. So prostrate was South Carolina in the winter of 1779 that the Governor sent General Isaac Huger to Philadelphia to seek relief. The extremity at which they had arrived cannot be better measured than by the fact that Huger, Henry Laurens, and Drayton all were constrained to favor the raising of black regiments.<sup>2</sup> Laurens, writing to Washington, March 16, 1779, remarked:

Had we arms for three thousand such black men as I could select in Carolina, I should have no doubt of success in driving the British out of Georgia and subduing East Florida before the end of July.

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a few negro troops in the last year of the war, and Lossing, ii., 530, says that they employed armed negroes in the defense of Savannah in October, 1779. It is also interesting to note that the militia law of South Carolina of 1747, *e. g.*, provided that in time of alarm or actual invasion faithful slaves were to be armed. (Smith, 175-6.) I know of no instance of its having been done, however. Slaves were not to constitute over half the forces in Charleston nor over one-third outside Charleston. Slaves or white indentured servants who captured an enemy or his colors were to be freed, the public compensating the master, and for other acts of heroism the slave was to have a uniform and be free every year upon the day of his heroic deed. Truly the men of 1747 had come but dimly to understand the nature and exigencies of slavery.

<sup>1</sup> John Laurens to his father, Feb. 17, and March 10, 1779, in *S. C. Hist. Mag.*, vi., 138 and 139.

<sup>2</sup> *Journals of Cong.*, xiii., 386.

Washington replied that the British would follow the example and could furnish arms for a larger number, and that the plan would create great discontent among those not freed.<sup>1</sup> Nevertheless Congress resolved, March 29th, to recommend South Carolina and Georgia to raise three thousand negro troops under white officers, every negro who served faithfully to the end of the war to be free and Congress to recompense the masters.<sup>2</sup> John Laurens as he hurried to the aid of his native State had the satisfaction of being charged with this recommendation.<sup>3</sup> In the Legislature, of which he was a member, he urged his plan. The sinking State, already embittered by neglect, rejected with scorn this answer to her bitter cry. "Your black regiment," his father wrote, "is blown up with contemptuous huzzas." The only surprise is that it did receive a few votes.<sup>4</sup> The whole incident exercised a strong alienating influence towards the central government. South Carolina felt herself not only abandoned, but mocked and insulted—a frame of mind which doubtless had its influence in leading Governor Rutledge to propose when the triumph of the British a few weeks later seemed inevitable that the State should withdraw from the contest and remain neutral to the end of the war.

To young Laurens's announcement of the failure of his proposal his father replied with sympathy and with a view which swept far beyond the immediate issue. He condemned the avarice and prejudice which stood in the way and, predicting that emancipation would yet be accomplished, he gloried in the fact that at that time his father, who foretold it, and his son, who began it, would be remembered. If abolition had come in South Carolina by her own voluntary act, this prophecy would have been fulfilled; and even as it is, many of the compatriots of these three generations of Laurenses will think their views to their honor. The text of this remarkable letter is as follows:

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I knew the pride and the naughtiness of the hearts of so many of our

<sup>1</sup> Washington's *Works*, vi., 204, n.

<sup>2</sup> *Journals*, xiii., 387-8.

<sup>3</sup> His going had no connection with the plan for negro troops, however.

<sup>4</sup> Washington's *Works*, vi., 204, n.



fellow citizens would seduce them to spurn at the mode you speak of for completing our Confoederal Regiments; that the avarice of others would impel them to revolt from the proposition for erecting black battalions and I long since foresaw and foretold you the almost insurmountable difficulties which would obstruct the progress of your liberal ideas. Nothing wonderful in all this. Is it a light work to bring men accustomed ( )<sup>2</sup> affluence and absolute command to submit without murmuring to peremptory orders under the penalty of corporal punishment? and it is certainly a great task effectually to persuade rich men to part willingly with the very source of their wealth and, as they suppose, tranquillity. You have encountered rooted habits and prejudices, than which there is not in the history of man recited a more arduous engagement. If you succeed you will lay the cornerstone for accomplishing a prediction of your Grandfather and your name will be honorably written and transmitted to posterity; but even the attempt without perfect success will, I know, afford you unspeakable self-satisfaction. The work will at a future day be efficaciously taken up, and then it will be remembered who began it in South Carolina.<sup>3</sup>

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<sup>2</sup> One or two words in MS. obliterated.

<sup>3</sup> Laurens to John Laurens, Sept. 21, 1779, in *S. C. Hist. Mag.*, vi., 149-50. The persistence of the anti-slavery sentiment in the Laurens family was remarkable and can only be accounted for by an inborn instinct of fairness and liberty. John Laurens, the father of Henry Laurens, in predicting, before the middle of the eighteenth century, the downfall of slavery must have disapproved of the institution. James Laurens, brother of Henry, refused to engage in the slave trade; Henry's and Col. John's unqualified condemnation we have just seen. The feeling never died in the family. I have the following from Mr. Henry Rutledge Laurens, the present head of the family: Major David Ramsay, son of Martha Laurens Ramsay, tried to send his slaves to a country where they could be free. If the Confederacy had succeeded, Mr. Whitaker, another descendant of Laurens, intended to send his slaves to Demerara. Mrs. Martha R. Roper (née Laurens) for years before the war of Secession paid her slaves wages, the law not allowing her to free them; and it is to be doubted whether, in a strict construction, she was not violating the stringent law on the subject of arrangements amounting to emancipations. She used to say regarding a skilled mechanic of great ingenuity whom she owned that she had no right to such labor free. She is the lady referred to in Rhodes's *United States since 1850*, iii., 210, n., who, when requested to lend the table said by family tradition to be the one on which the Declaration of Independence was signed for the signing of the Ordinance of Secession, replied that she would burn it to ashes first. This incident was related to me by Mr. Henry Rutledge Laurens before I saw it in Rhodes.

The strength of the anti-slavery sentiment at times in South Carolina among a small minority is not generally known. One branch of the Grimké

In 1782 John Laurens renewed in the South Carolina Assembly his proposal for negro troops, and though it of course failed, yet it received twice as many votes as before.<sup>1</sup>

We recall Laurens's peculiar expression regarding Lord Mansfield's Somerset decision which he heard delivered, an expression leaving us in doubt as to whether he meant to sneer at the judge's allowing masters to hurry their slaves beyond his jurisdiction by his delay or to praise him for declaring slavery incompatible with English law.<sup>2</sup> At all events, during his stay in England ten years later Laurens was a convinced abolitionist and sorted constantly with men of that principle. Among these was the famous Dr. Richard Price, who gave Laurens at the time of his return to America some copies of one of his books for distribution at home, probably the *Observations upon the Importance of the American Revolution*, published in 1784.<sup>3</sup> Laurens immediately placed them

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family went North and became abolitionists of an extreme type. Hundreds of Quakers are said to have left the State on account of slavery, and it is certain that this feeling played some part, though probably not considerable, in the exhausting drain of white inhabitants to the West before the advancing tide of plantation slavery up the State in the three or four decades following the invention of the cotton gin. I happen to know of the case of a wealthy citizen of the Piedmont region who about the middle of the nineteenth century sold his entire real estate in order to move into Indiana or Illinois in order to escape the presence of slavery. A miscarriage in the transaction prevented his going. Fairfield county, *e. g.*, had 2313 fewer white inhabitants in 1910 than in 1820; and several other counties with undiminished boundaries, as Chester and Newberry, suffered severely in the same way. Anti-slavery sentiment in South Carolina before 1860 and Union sentiment in 1860-5 are interesting fields as yet almost untouched. Cf. Harlow Lindley, *The Quakers in the old Northwest*, 5-6, Miss. Valley Hist. Asso., vol. 5.

<sup>1</sup> John Laurens to Henry Laurens; also Washington's *Works*, viii., 323.

<sup>2</sup> See above, p. 191.

<sup>3</sup> Other writings of Dr. Price's might meet the requirement as to substance, but this one, whose 13th chapter is a sharp denunciation of slavery and the slave trade, answers best from the standpoint both of date and substance. Laurens to Price, from Dover, May 14, 1782, thanks him for parts of his writings. (Laurens MSS. in L. I. Hist. Soc.) Laurens's English friend Thomas Day, the philosopher and novelist, also published in 1784 an energetic attack on slavery, as remarked in a note on p. 83 of the

where he thought they would do most good—in the hands of leading members of the South Carolina Legislature. The dissatisfaction which the book's denunciation of slavery produced elicited from him the following firm endorsement of its principles:

I have not had time to read a single page of the Doctor's book, but if it contains attacks against the slave trade & slavery I am of opinion with yourself & Mr. Izard, the doctrine will not in the present day be pleasing to the generality of the inhabitants of this State; yet the time may come, the time was, when we solemnly engaged against further importations under a pretence of working by gradual steps a total abolition. We were then indeed in a religious mood & had appealed to God.

As an apology for presenting the book, the contents of which I was ignorant of, permit me, Sir, to say, I had received a previous intimation of the work from a judicious friend in London, who in general terms highly applauded it. This circumstance in addition to the celebrated character of the author & his known friendship to the United States induced me to distribute the copies immediately upon receipt, but had I been fully apprized of the parts though't to be exceptionable, a suppression would have involved a greater crime, setting up my judgement of the merits as a standard. Doctor Price leaves only the disposal of his books to my judgement, this directed me to present some of them without delay at fountain head.<sup>1</sup>

Laurens opposed slavery not only upon religious and humanitarian grounds, but also because it kept out white settlers and created an economic and social system characterized by "a glare of precarious riches . . . the possession of individuals" instead of "the riches of the State . . . greater and more permanent." He would have seen the ample confirmation of his views could he have foreseen that by 1910 the advance of the great slave-worked plantation was actually to reduce the white population of Fairfield County, *e. g.*, to a figure 2313 below what it had been ninety years before, while Newberry, Chester, and others were to suffer only less severely by the awful sacrifice being made of the permanent interests of the common-

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1785 edition of Price's work. Price's book went through seven editions. Mirabeau immediately translated it into French.—British Museum Catalogue of Printed Books.

<sup>1</sup> Laurens to Speaker of the S. C. House of Representatives, Jan. 31, 1785, in Ford Col., N. Y. Pub. Lib.

wealth by and for a small favored class. Along with his desire to exterminate slavery went a plan for securing white settlers. He wrote while in England, February 15, 1783, to William Drayton, "Have you reflected upon the great point of the abolition of slavery?" To the same friend he wrote eight days later:

The difficulty in my mind referred to future grants and increased value of land in the southern States. Respecting the abolition of slavery, after having fully considered the subject in a course of years not a few, I am no longer at a "stand." Nevertheless should I proceed in the plan laid down, chiefly for the government of my own conduct, 'tis not improbable I shall stand almost alone. Interest will combat moral justice and the nickname of sound policy [will be] introduced as an invincible ally. True policy in my opinion lies on the other side of the question.—Reasoning from the colour carries no conviction. By perseverance the black may be blanched and the "stamp of Providence" effectually effaced. Gideon Gibson escaped the penalties of the negro law by producing upon comparison more red and white in his face than could be discovered in the faces of half the descendants of the French refugees in our House of Assembly, including your old acquaintance the Speaker. I challenged them all to the trial. The children of this same Gideon, having passed through another stage of whitewash were of fairer complexion than their prosecutor George Gabriel.—But to confine them to their original clothing will be best. They may and ought to continue a separate people, may be subjected by special laws, kept harmless, made useful and freed from the tyranny and arbitrary power of individuals; but as I have already said, this difficulty cannot be removed by arguments on this side of the water. Future grants of land will in a considerable degree depend upon future importation of negroes in the Southern States. Should the future importation be prohibited or greatly restricted, the land already granted will be parceled out to poor white adventurers at easy rents or moderate purchases. There will not be such a glare of precarious riches as we have formerly seen the possession of individuals; but the riches of the State will be greater and more permanent. Such persons as you allude to, I have

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<sup>1</sup> Laurens seems to be arguing here that slavery and the negro laws cannot be justified as based on color, since they were made to apply to some persons of such slight degree of African blood as to be lighter than some Caucasians. Incidentally he indicates the tragic position of the very light mulatto. "George Gabriel" was Col. G. G. Powell, a prominent politician on the popular side in the years just before the Revolution. The Speaker referred to as a descendant of the French refugees was Peter Manigault, Speaker of the Commons House of Assembly 1765-72. The next sentence shows Laurens's condemnation of race mixture.

no doubt will make a happy exchange, mechanics will find full employment and good wages. Husbandmen may obtain land upon much better terms than they have been accustomed to. But I dare not speak positively of encouragements from the State. I am unauthorized and ignorant upon that head. You and I can have no doubt that indulgencies and even premiums will be granted to men and families who are likely to become valuable citizens. We must wait with a little further patience for their final "result." I won't say 'tis over our head the old House totters; but 'tis certainly true that want of wisdom in that House may soon throw us again into a flame and retard the building of our own. They are mad about something which they feel to be deficient; and not a conjurer among them have yet come near the point. Should they discover it, down indeed would tumble a certain House.

To Laurens no immigrants could be more acceptable than the thrifty and upright Moravians with whom he had long been familiar. He knew, we cannot doubt, of their well-established settlement in North Carolina dating from 1753, as his friendship with Bishop John Ettwein went back to 1760, when that good missionary made a tour to the Southern Indians.<sup>1</sup> The pastor so endeared himself to Laurens's family that even the children sent him affectionate messages. In 1763 Laurens wrote confirming his offer of assistance to the brethren from Germany if they would come through Charleston on their way to Bethabara, N. C., and the same year he assisted Van Gammern and others of the brotherhood on their visit to his city.<sup>2</sup> During his life in Pennsylvania Laurens became more familiar with these excellent people. The Moravian town of Bethlehem thirty miles north of Philadelphia was the site of hospitals and military storehouses during the Revolution. September 21, 1777, says Bishop Levering's *History of Bethlehem*:

Henry Laurens arrived, who in November following became President of Congress. His favorable disposition toward the Moravian settlements, and

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<sup>1</sup> *National Cyclopaedia of America Biography*, v., 90. The first publication of Laurens's speech in resignation of the Presidency of Congress was from a MS. copy which he sent Ettwein.

<sup>2</sup> Laurens to Rev. John Edwin (Ettwein; the misspelling is partly due to Laurens, who uses only one t, and partly due to his copying clerk), Nov. 10, 1763, etc., in Laurens's letter book in Hist. Soc. Penn. See there letters to other Moravians.

his relations of intimate personal friendship with Ettwein, proved of inestimable value to Bethlehem, and to the interests of the Brethren generally.<sup>1</sup>

July 14, 1787, Laurens wrote the Bishop warmly offering two thousand or twenty-five hundred acres around Ninety-Six for a Moravian settlement. He claimed no merit of generosity: "While other people applaud me for a seeming act of benevolence, I shall enhance the value of the reserved quantity." Correspondence about the matter continued for several years, but without result. At no time has the world, or South Carolina in particular, wanted for the wisest counsel, but many a time it has wanted for the wisdom to accept it. Others besides Laurens were meditating the same problems. *E. g.*, in 1795 there was an "Emigrant Society" in Charleston seeking by active propaganda to attract settlers from France, Germany and the British Isles.<sup>2</sup> The difficulties which he saw from the beginning prevented Laurens from freeing his slaves, except a few individuals, though manumissions and liberal treatment continued very common in South Carolina until passions were aroused by the abolitionist campaign and attempted insurrection about 1820; and from his day to the day of the *Wittekind* the problem of obtaining good white immigrants has remained unsolved.<sup>3</sup>

<sup>1</sup> I am under obligation to Miss Adelaide L. Fries, of Winston-Salem, N. C., for this information.

<sup>2</sup> *Documentary History of American Industrial Society*, ii., 176; *Charleston City Gazette*, May 19, 1795.

<sup>3</sup> For a sketch of the attitude of South Carolina towards slavery in that period, see my sketch in *The South in the Building of the Nation*, ii., 45-49.

In 1906 the Legislature of South Carolina, under the inspiration of Commissioner E. J. Watson, subsidized a plan for bringing immigrants into the State from northern Europe. The steamer *Wittekind* brought a cargo of five hundred in November, 1906, and another of one hundred and fifty in March, 1907, and great expectations were aroused. The difficulties to be overcome were very great, not to speak of the shiver of dread which many inferior whites felt at the prospect of competition with the new comers, and the Legislature abandoned a plan which will always be so much to the credit of its projectors. Mr. Watson, who kindly supplied the above dates and figures, thinks that the movement accomplished its main object in attracting the attention of the outside world to the undeveloped resources

In the spring of 1792 Laurens was much in bed and was very feeble as the year wore on. During the first week of December Mrs. Martha Laurens Ramsay, who, as on several other such occasions, seemed to possess a telepathic faculty, hurried to her father's home through difficulty and danger under the impulse of "so inexpressible a desire to see him, that nothing could exceed it, and nothing could satisfy it, but the going to see him."<sup>1</sup> She was rewarded by hearing her devotion and skill praised in his latest words, and then her father, without knowing why his breathing became so labored, fell into unconsciousness, and at 10 o'clock in the morning of December 8, 1792, two days after her arrival, he was gone.<sup>2</sup>

Laurens entertained on general grounds a preference for cremation, largely because of his "belief that several persons were buried before they were irrevocably dead." His horror of being buried alive was deepened by the following incident: When his daughter Martha was in her first year, she lay apparently dead from smallpox and was laid by an open window awaiting a speedy interment.<sup>3</sup> Revived probably by the cool air, she was discovered by Dr. Moultrie to be alive and so was saved. Laurens accordingly closed his will with these words:

And now having settled all affairs which relate to my estate and provided for the different parts of my family in a manner which appears to me to be just and equitable, I come to the disposal of my own person. I solemnly enjoin it upon my son as an indispensable duty that as soon as he conveniently can after my decease, he cause my body to be wrapped in twelve yards of tow cloth and burnt until it be entirely and totally consumed and then collecting my bones deposit them wherever he shall think proper.

Mrs. Ramsay refused to remain in the vicinity of "the awful ceremony," as she called the cremation. The affair has

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of the South in general and was largely responsible for the great forward movement in agricultural development which has occurred since. Probably a more correct statement would be that the *Wittekind* movement and the other were both expressions of the same widespread awakening.

<sup>1</sup> Her letter, Dec. 17, 1792, to her husband, in *Memoirs*, 241.

<sup>2</sup> *Charleston City Gazette and Daily Advertiser*, Dec. 11, 1792; Ramsay's *Memoirs*, 242.

<sup>3</sup> Ramsay's *Memoirs*, 13-14.

been the subject of many sensational misrepresentations. Parson Weems invented the tale that Laurens said, "My flesh is too good for worms. I give it to the flames." The statement that the execution of the instructions was made the condition of his son's receiving his inheritance is equally false.<sup>1</sup> He was the first person, with the possible exception of the Indian aborigines, to be cremated in America. In the manner of ancient men, on the high bluff overlooking the water, the funeral pyre was built upon the hill opposite the one occupied by his house and his wishes were executed while the terrified servants quaked at the weird spectacle.<sup>2</sup>

The ashes were buried beside the grave of Col. John Laurens in the family graveyard at Mepkin. At the river, the high bluff divides into three stately hills; the residence stood on the middle one; the cremation took place on the hill to the south, in front of the house, at a spot still marked by a square flat stone, whose companion yet lies at the doorstep of the ruins of the house. So powerfully has the incident impressed the popular imagination that the site of the funeral pyre is to this day pointed out as excursion boats pass the bluff.<sup>3</sup> The graveyard is on the hill to the north. The three hills were formerly a beautifully kept park of perhaps a hundred acres overlooking the river and the distant country beyond. There are still traces of the avenues and paths, while a grand avenue of live oaks leads to the road a quarter of a mile away. The

<sup>1</sup> Ramsay's *Memoirs*, 244.

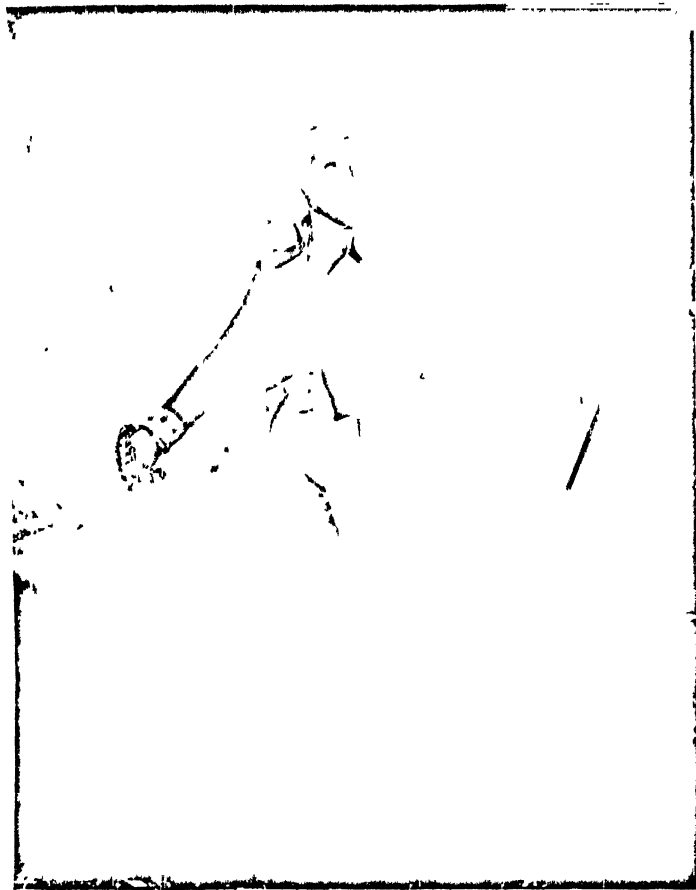
<sup>2</sup> The next instance of cremation in America was that of Baron Palm, in December, 1876, in Washington, Pa. The following references were supplied by the research department of Nelson's Loose Leaf Encyclopedia: John Storer Cobb: *A Quarter-Century of Cremation in America*, Boston; Knight & Millet, 1901; "The Cremation of Baron Palm," in *Boston Medical & Surgical Journal*, Dec. 14, 1876; John L. LeConte: "Cremation among the North American Indians," a review in *Popular Science Monthly*, December, 1874, p. 254.

<sup>3</sup> In 1912, when I visited Mepkin, Pompey Hambleton (Hamilton?), an intelligent negro about sixty-five years old, took me to the site of the cremation. He was told many years ago by Mr. Peter Gourdin that the stone marked the spot. It agrees with the place indicated by the family tradition.



English author Thomas Day wrote inscriptions in prose and verse for the place where John Laurens fell in battle; but the father's aversion to ostentation caused him to have his own and his son's graves marked by simple stones without even a military title, bearing the names and dates only, except that that of John bears the words, "*Dulce et decorum est pro patria mori.*" The head and foot stones are ten feet two inches apart, giving the impression of the resting place of giants.





**LIEUT.-COLONEL JOHN LAURENS**

(Replica by Copley)

From the original in the possession of Mr. Henry Rutledge Laurens, of Charleston, S. C.

## APPENDIX I

### SKETCH OF THE LIFE OF LIEUTENANT COLONEL JOHN LAURENS

In view of the lack of any life of John Laurens save a few inadequate sketches, I shall throw together here the information gathered concerning him not included in the body of this book which came in my way while writing the life of his father.

**J**OHN LAURENS, one of the most noble, talented and in every way engaging and promising characters called into prominence by the American Revolution, was born in Charleston, S. C., October 28, 1754, the son of Henry Laurens and his wife Eleanor Ball.\* On his father's side he was pure French Huguenot; on his mother's side, pure south country English. He was a bold, enterprising and precocious boy. On one occasion he left his sick bed and took an active part in extinguishing a fire.<sup>2</sup>

His early education was carefully conducted under the enthusiastic and intelligent interest of his father by Benjamin Lord and Revs. Himeli and Panton. Rev. Himeli seems to have been a French Swiss who in about 1773 returned to his own country, where he had his letters directed to "Himeli

\* Inscription on his grave stone at Mepkin; also letters of his father, Sept. 23, 1775, in *S. C. Hist. Mag.*, v., 73. For some reason neither his birth nor baptism is found in the St. Philip's Parish Register. The date of his birth has carelessly been stated from 1753 (*Century Dictionary*) to "about 1756" (Wm. Gilmore Simms).

<sup>2</sup> Ramsay's *S. C.*, ii., 494-5. Ramsay married John Laurens's sister Martha. His sketch of John, as that of Henry Laurens, though brief, is of great value in matters touching character and details which would naturally be known to members of the family, though containing several errors of detail probably due to trusting to memory at the time of writing.

Ancien Pasteur de Charlestown."<sup>1</sup> In the fall of 1771, as he was approaching seventeen years of age, John was taken by his father to Europe to complete his education. After some time spent under a private tutor, Rev. Richard Clarke, of Islington, London, his father decided to place him at Geneva as offering intellectual, and especially moral, advantages superior to what could at that time be found in England. He was never at school in France, as several writers carelessly state. His course of study included Latin, Greek, Italian, belles-lettres, physics, history, geography, mathematics, experimental philosophy, fencing, riding, drawing, and reading in the civil law, to which was added after he declared his intention in 1772 of entering the bar a copy of Blackstone for private reading.<sup>2</sup> The "ancien pasteur" was so pleased at what he heard of his former pupil's progress that he dubbed him "le Voltaire de votre Province," which indicates at least that he was not a narrow minded pastor.<sup>3</sup>

We need only remark here in addition to what was said in regard to Geneva in narrating his father's choice of that place in the chapter on his residence abroad to educate his sons, which should be read at this point,<sup>4</sup> that this city of stern republican virtue and jealous independence left enduring marks upon young John Laurens, as will be abundantly evident as we analyze his character and examine his views upon social and political questions.

In October, 1774, John entered formally upon his legal education at the Middle Temple. During his residence in London he was often at the home of his father's friend William Manning on the fashionable residence street, St. Mary Axe. He saw the amiable Miss (Martha) Manning quite frequently, he wrote his sister.<sup>5</sup> His admiration ripened into love and he soon proved that in Cupid's war, as in that of Mars, he was

<sup>1</sup> Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> Henry Laurens to A. Garden, Feb. 19, 1774, and to James Laurens, Feb. 17, 1774.

<sup>3</sup> Himeli to John Laurens, Dec. 2, 1773, in L. I. Hist. Soc.

<sup>4</sup> See above, p. 189.

<sup>5</sup> John to Martha Laurens, May 5, 1775, in L. I. Hist. Soc.

in danger of being hurried by his zeal too fast for discretion. Hear his own story as he told it to his uncle:

I should inform you of an important change in my circumstances—Pity has obliged me to marry—but a consideration of the duty which I owe to my country made me choose a clandestine celebration, lest the father should insist upon my stay in this country as a condition of the marriage—the matter has proceeded too far to be longer concealed, and I have this morning disclosed the affair to Mr. Manning in plain terms—reserving to myself the right of fulfilling the more important engagements to my country. It may be convenient on some accounts that the matter should be kept secret till you hear next from me, & you will oblige me by keeping it so.<sup>1</sup>

“Pity has obliged me to marry.” That such a man should have had to write these words about one whom he should have shielded from every injury instead of injuring. But both were very young, and his honor as far as possible redeemed his fault.<sup>2</sup>

So he was married in October, 1776, apparently, when he should have had the ceremony performed (as nearly as the letters at our command enable us to determine) in the first part of that year. In October he wrote to his father, whom the confusion of the times had prevented hearing from his children for nine months, that he hopes he will pardon him for making him a father-in-law without his permission, and that he may soon expect to be even a grandfather.<sup>3</sup>

<sup>1</sup> John Laurens to James Laurens, Oct. 25, 1776, in Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> There are two technically possible interpretations: (1) Pity for the girl who had given him her honor obliged him to protect her by marriage; or (2) pity for her love-lorn state of mind obliged him to gratify her heart by marrying her before he sailed for America. His statement that “the matter has proceeded too far to be longer concealed” does not prove that he married her because she was pregnant; for the secrecy of the marriage was to prevent Mr. Manning’s demanding as a condition that he stay in England. If the girl had already been pregnant, her father could not have insisted on any conditions whatever.

The natural inference, however, from the words, “Pity has obliged me to marry,” is strengthened by John’s letter of Nov. 9, 1776, to his uncle: “With respect to my marriage, I must defer communicating the particulars so fully to you as my near relationship with & regard for you demand, till we meet.” (Laurens MSS. in L. I. Hist. Soc.)

<sup>3</sup> John Laurens to H. Laurens, Oct. 26, 1776; H. Laurens to James Laurens, March 24, 1777.

Nothing could be more groundless than the reflection on his wife's character and social standing contained in Perry's statement: "Honor was his ideal and to that ideal he sacrificed himself in his youth by marrying a girl unworthy of him in England."<sup>1</sup> Perry perhaps fell into this inference from a partial acquaintance with the circumstances related above. All the Laurenses were familiar and frequent guests at the house of Mr. Manning, Henry Laurens's long-time friend and business correspondent both before and after the Revolution. Something of the social standing of the Mannings may be gathered from the fact that Mr. Manning had a friend at court in the Bishop of Worcester, that he was able to obtain frequent permission from the ministers to visit Henry Laurens when a state prisoner in the Tower of London; that he assured son-in-law Laurens that he expected to leave each of his daughters £10,000 sterling; that his son was Governor of the Bank of England in 1812-13 and for thirty-six years a director of that institution and was for an equal period a Tory member of Parliament; that he was the grandfather of Cardinal Manning,<sup>2</sup> and that

<sup>1</sup> *Reminiscences and Sketches*, 425. William Gilmore Simms, who was better acquainted with the facts and indeed edited the Laurens MSS. in the L. I. Hist. Soc., speaks of "his premature, and, in a worldly sense, perhaps, imprudent marriage."—John Laurens's *Army Correspondence*, 21.

<sup>2</sup> Prof. Surrner in his *Finances and Financier of the Revolution*, i., 294, n. 3, confuses the father and son in saying that the former was a director of the Bank of England.

William Coventry Manning, for many years a West India merchant, and his wife Elizabeth Ryan, of St. Kitts, had six children: William (the Member of Parliament, Bank of England director and father of Cardinal Manning), Mary, Sarah (wife of Benjamin Vaughn), Elizabeth, Martha (nicknamed "Patty," John Laurens's wife), and John. It seems that the elder Manning, though christened William Coventry, did not make use of the second name, as I have only once found him alluded to other than as William Manning, and up to the time of his death in 1791 his son is called William Manning, Jr., and afterwards William Manning.—Letter of the Secretary of the Bank of England to D. D. Wallace, December 5, 1913; *Dictionary of National Biography*, first edition, lviii., 158, and xxxvi., 62; W. L. Oliver's *Carribeana* (on the history, genealogy, etc., of the British West Indies), London, 1910-12, pages 240-1, as cited for the writer by the research bureau of Nelson's Loose Leaf Cyclopaedia.

he refused to allow a daughter to marry Benjamin Vaughn (afterwards a man of some importance in the peace negotiations of 1782-3 and a political writer of note) because he had no profession, though he had been educated at Cambridge. Vaughn, like Jacob of old, determined to serve for his bride and accordingly studied medicine, got his wife, and was admitted to the firm of Manning & Sons.<sup>1</sup>

The following from the many references to his wife in John Laurens's letters to his father, gives a side-light altogether in harmony with everything else we know on the social standing of Miss Manning: "Lady William Campbell had paid my wife a visit. What was the end of that unexpected civility does not strike me."<sup>2</sup> Lady Campbell's husband was the last royal governor of South Carolina. "Lord William Campbell was the third brother of the Duke of Argyle. He was no stranger in South Carolina. He had married Miss Sarah Izard, a young lady of one of the oldest and richest families in the province, and had just been with his wife on a visit to Charleston."<sup>3</sup> Lady Campbell's visit would appear to have been a sincere civility in which she overlooked old feuds and harked back to older Charleston friendships, without any of the ulterior political significance which Laurens seems to have suspected. Independent of political motives, however, Laurens's surprise might have arisen from the fact that Mr. Izard, Lady Campbell's near relative—brother, I think it was—had seconded Grimké in his duel with Henry Laurens in October, 1775.<sup>4</sup>

John Laurens's relations with his wife's family were entirely happy, as is seen from his and Mr. Manning's letters to each other. Henry Laurens in forwarding to John three or four letters "from your wife" speaks of her as "the dear girl" and at another time as "my daughter"—an affectionate spirit which marks every reference to her which he makes.<sup>5</sup> His

<sup>1</sup> Wharton, i., 646.

<sup>2</sup> *Army Correspondence of Col. John Laurens*, 168.

<sup>3</sup> McCrady, ii., 709.

<sup>4</sup> *S. C. Hist. Mag.*, v., 129-30.

<sup>5</sup> Henry to John Laurens, Sept. 30, 1777, and Mch. 22, 1778, etc.



ardor to serve his country hurried Laurens from his new ties. All Henry Laurens's children were in Europe at the outbreak of the Revolution. After John's return to America he and his father both hoped soon to have their loved ones with them. The older man wrote his son, December 20, 1777, that he had "a project in my mind for bringing our whole families to Philadelphia or New York before the end of April" and thence inland.<sup>1</sup> As late as May, 1778, John was still seeking means of bringing his wife to America,<sup>2</sup> but his hope that she and their little girl might soon come to him was destined to be disappointed by the dangers of war and the unexpected protraction of the struggle; and when little eight-year-old Frances Eleanor landed in Charleston in 1785 with her paternal aunts returning to their long deserted and so much changed native land, her gallant father had already followed her young mother to the grave.<sup>3</sup>

<sup>1</sup> Laurens MSS. in L. I. Hist. Soc.

<sup>2</sup> *Army Correspondence of Col. John Laurens*, 166.

<sup>3</sup> The following verses are found on the lower half of a sheet in the John Laurens manuscripts in the Long Island Historical Society Library marked No. 150, which is a brief undated note from John Laurens to his father while President of Congress during the winter of 1777-8; judging from the context, I would place it in the early part of 1778:

Celia, I sued with many a kind request  
For leave to paint her portrait on my breast  
She, sweetly Answered with a thought quite new  
If I must place it, I must paint it too  
Then turning round, with a Celestial Air  
Look'd in my heart and left her like[ness] there

Perhaps youthful literary pride prompted John to frame these verses for his father on a pleasantry between himself and some young fair; but at all events their significance is trivial; for if they had had any serious meaning he would not have shown them to his father.

I might mention in this connection a story related to me by Mr. A. W. Standing, of Houston, Texas, a gentleman of keen interest in American history, who has collected much material on John Laurens, whom he admires as one of the noblest of patriots. It was related to Mr. Standing by a lady connected with the family of Miss Margaret Shippen, who married Benedict Arnold, that Laurens had been one of Miss Shippen's ardent admirers. I cannot regard this tradition as anything but romance. Laurens

A touching incident it is in the friendship between the Laurenses and the Lees that Arthur Lee in Paris arranged to receive and transmit Mrs. John Laurens's letters to her husband.<sup>1</sup> When Henry Laurens sailed for Europe in September, 1780, he carried letters from John to his wife.<sup>2</sup> She appears to have gone to the continent to meet her husband when he was sent upon his mission to France in the spring of 1781, for she died in Lille in northern France, apparently in the late summer or early autumn of that year.<sup>3</sup> She left a "most lovely child"<sup>4</sup> of about four years. This little Fanny, naturally so dear to her grandfather Laurens, resided with him for some time in South Carolina after the Revolution. She married an Englishman, Mr. Henderson, whom she survived

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was married before he even joined the army or could have had any opportunity of meeting Miss Shippen, and aside from this, it appears improbable that he ever made her acquaintance. Not to speak of the gulf that separated them as patriot and Tory, he was attached while in the North to Washington's staff and was rarely in Philadelphia during the few months which elapsed between its evacuation by the British and his own departure for the South early in 1779. In April, 1779, Miss Shippen married Arnold.

<sup>1</sup> A. Lee to Henry Laurens, Apr. 4, 1778, in *Life of Arthur Lee*, ii., 141. Young Laurens received numbers of letters from his wife through his father; whether any directly I do not know.

<sup>2</sup> H. Laurens to John Laurens from New Foundland, Sept. 14, 1780, in *S. C. Hist. Mag.*; Laurens MSS. in L. I. Hist. Soc.

<sup>3</sup> In the Amer. Philosophical Soc. archives, Philadelphia, there is an undated letter from Mrs. John Laurens's brother-in-law, Benjamin Vaughn, to Franklin, endorsed, "Answered November 22, 1781." Vaughn's last letter to Franklin of which I know before that date was in July, 1781. In the November letter—for Franklin doubtless answered it promptly—Vaughn speaks of his (Vaughn's) long silence, and towards the close says:

"Mrs. Laurens, wife to the Col., lately died at Lisle. (This is a spelling sometimes emp'oyed for Lille in French Flanders.) The effects she left are few and trifling, but the magistrates of the place refuse hitherto to suffer the operation of her will, till the Col.'s pleasure is known. Her clothes she bequeathed to her maid, to the amount of some £20 or £30: & her watch & trinkets to a most lovely child, now in part an object of my cares. . . . The maid is now in Flanders. . . ." (The omissions are entirely immaterial details.)

<sup>4</sup> Vaughn's letter quoted in last note.

without leaving any children.<sup>1</sup> Tragedy seems to have waited upon Laurens and his family and "the angel of the darker brink" was always close at hand. Their trials, like their characters, were of the most unusual kind, from small-pox-ridden infant Martha almost buried alive, to the smoke curling from her father's funeral pyre among the moss-bearded oaks upon the hill overlooking the Cooper. Incident after incident appeals to the imagination with pity and terror.

We must return to trace the transformation of the student into the soldier. He had abandoned the study of law for military science and was chafing to set out immediately for America, but his father's command to complete his law course kept him dutifully in London—a command which his letters show each month's events made harder for him to obey. Dr. Ramsay is mistaken in saying he only waited until freed by arriving at twenty-one years of age to put his desire into effect.<sup>2</sup> His relations with his father were marked throughout his life with a beautiful confidence and affection which restrained him even in the face of his own ardent desire from such a flagrant violation of his wishes. And, too, his father's sense of parental authority was as strong as his love. After expressing as positively as possible his wish that John should remain at his studies, he wrote to his brother, the boy's uncle, who was also then in England:

"If these reflections prevail not over him, nothing will—he must have his own way and I must be content with the reflection, that I had a son."<sup>3</sup>

It was the same stern spirit when it came to matters of authority which had characterized Henry Laurens's own father; but the world would not have forgiven such a punishment to such a son for such a disobedience, especially as the father had two years before taught him the lesson of patriotism in the words: "If (compulsory measures by fleets and armies)

<sup>1</sup> *Army Correspondence of Col. John Laurens*, 45-54; letter of Mr. Henry Rutledge Laurens to D. D. Wallace, Aug. 10, 1909. A son, the child of this marriage, died before his mother.

<sup>2</sup> II., 496.

<sup>3</sup> Henry Laurens to James Laurens, summer of 1775.

should be recommended by Parliament, you and I had better be at Altamaha."<sup>1</sup> As a matter of fact, John waited until almost twenty-two years old, when, in about October, 1776, he received with unbounded joy the longed-for permission.<sup>2</sup> Had it not come, we can hardly doubt that he would soon have gone without it; for he had just written that he was determined to embark for Carolina unless the next vessel brought news of an accommodation being on foot.<sup>3</sup>

Two or three months after having received his father's consent (waiting, doubtless, to see his wife safely a mother), leaving his dear ones in England as he supposed for only a short time, Laurens went first to France, early in January, 1777. He was accompanied from England by a young friend from Philadelphia returning home on the same patriotic impulse, John White. Both were to meet the same fate. White was taken first; almost immediately after joining the army as an officer he was killed at Germantown.<sup>4</sup> Laurens saw Franklin in Paris and took keen note of the situation in France. Hastening to the southwards, they sailed on a French ship from Bordeaux. When two days out, off Cape Ortegal, the vessel was stopped and her papers searched by the British frigate *Thetis*. The English officers plainly recognized the youths as Americans, but took no further notice of them, they meanwhile remaining silent and apprehensive. After a passage of fifty-two days from the mouth of the Garonne they reached Cape François (Cap Hatien) on the coast of Haiti, and after a sail thence of thirteen days, landed, April 15th, at the longed-for Charleston.<sup>5</sup>

<sup>1</sup> Henry to John Laurens, Feb. 21, 1774.

<sup>2</sup> John Laurens to his Uncle James Laurens, Oct. 24, 1776, in *S. C. Hist. Mag.*, x., 53.

<sup>3</sup> John Laurens to Francis Kinloch, Sept. 30, 1776, in Emmet Col., N. Y. Pub. Lib.

<sup>4</sup> *Army Correspondence of Col. John Laurens*, 23; *S. C. and American General Gazette*, Apr. 17, 1777, quoted in *S. C. Hist. Mag.*, vi., 3, n; H. Laurens to John Laurens, Oct. 8, 1777, in *ib.*, 4.

<sup>5</sup> John to James Laurens, Ap. 3, 1777, etc., in Laurens MSS. in L. I. Hist. Soc.

Immediately joining the Continental forces, Laurens was soon transferred to the North. Here he was taken on to Washington's staff, perhaps, as McCrady surmises, through the influence of his father. His splendid personal and military qualities soon endeared him to his chief, to whom he was devotedly attached. Washington employed him as his confidential messenger on important missions "which neither time nor propriety would suffer me to commit to paper."<sup>1</sup> At the time of the Conway cabal young Laurens did good service in revealing the movements of the conspirators to his father, at that time President of Congress, who in turn used every advantage of his position in foiling them. John Laurens fought a duel with Gen. Charles Lee in consequence of that miscreant's insolence towards Washington, in which Laurens was slightly and Lee severely wounded. His bearing so excited the admiration of his antagonist as to draw from him the exclamation that he could have hugged the boy—a familiarity which Laurens would hardly have permitted from that quarter.

Mrs. Ravenel's statement in her *Charleston, the Place and the People*,<sup>2</sup> that the British commissioners in 1778 spared no efforts to corrupt John Laurens, evidently arises from confusing him with his father, to whom, as President of Congress, they addressed letters, but not any corrupt offers. John Laurens's intimate correspondence during their stay in America contains many references to them and the futility of their mission, but none to any tampering with him. He was acquainted with Dr. Ferguson, their secretary, from his Geneva days, and Gov. Johnstone sent him letters (of which he brought a number from England as a favor at a time when communication was difficult), with a request for their delivery to their addressees.<sup>3</sup>

A strong friendship at once sprung up between the youths Laurens and Lafayette, the latter in his enthusiasm so far forgetting delicacy as to write to President Laurens that he

<sup>1</sup> Washington's *Works*, v., 11.

<sup>2</sup> P. 294.

<sup>3</sup> *Army Correspondence of Col. John Laurens*, 183.

March 29th following, however, when he was about to repair to the defense of his native State, Congress again voted him the same rank, which he accepted.\*

Where the fiercest fighting and greatest opportunity for service were, there was to be found Laurens. Operations having lulled in the North, he followed the tide of war to the South, where he took a prominent part in the fighting in South Carolina and Georgia. He went to the South in order that he might throw his service where most needed three separate times during the war: first in the spring of 1779, again about the beginning of 1780, and lastly after the conclusion of hostilities in the North at Yorktown.

John Laurens's extraordinary zeal as a defender of America arose not only from instinctive patriotism and the natural resistance of men to policies opposed to their interests, but from motives more powerful when they take their hold upon enthusiastic souls. His heart glowed at white heat with the love of freedom, and it was this reasoned and lofty principle that sent him with mad impetuosity and reckless daring into the most perilous posts on so many battle fields. When Hayne described him as "the Bayard of the South," he did him only partial justice; for to his knighthood "without fear and without reproach" was added the consecrated idealism of the crusader. How far the result of the influence of Geneva and how far of his father's liberal character and the spirit of the times, it would be impossible to say; but at all events young Laurens, though reared in the most loyal of provinces, developed while in Switzerland into such an ardent republican and abolitionist that in his haste he was ready to curse his own country because she maintained African slavery. So warmly did he urge his views as to offend his fellow Carolina student Francis Kinloch, as, *e. g.*, by declaring that "a monarchy was the nursery of human depravity."<sup>2</sup>

\* Ramsay, ii., 497; *Journals of Congress*, xii., 1105; xiii., 388. Dec. 15, 1779, Congress, at Laurens's request, cancelled his commission of March 29, 1779, and issued him a new one bearing date Oct. 5, 1777.—*Jours.*, xv., 1381.

\* John Laurens to Francis Kinloch, Sept. 30, 1776, in Emmet Col.,

I think we did not use to agree in our political sentiments [he wrote his friend]. My turn was rather more republican than yours when we used to converse together at Genève, & unless you have changed, we are still at variance in our sentiments—but there is one thing I am persuaded from your humanity & love of justice you will grant me—I think that we Americans at least in the Southern cols. cannot contend with a *good grace* for liberty, until we shall have enfranchised our slaves. How can we whose jealousy has been alarm'd more at the name of oppression than at the reality reconcile to our spirited assertions of the rights of mankind the galling abject slavery of our negroes? I could talk much with you, my dear friend, upon this subject, & I know your generous soul would despise & sacrifice interest to establish the happiness of so large a part of the inhabitants of our soil, if, as some pretend, but I am persuaded thro' interest than from conviction, the culture of the ground with us cannot be carried on without African slaves. Let us fly it as a hateful<sup>1</sup> country and say ubi libertas i (paper torn in breaking seal) patria.<sup>2</sup>

It was at the time of his first journey South, in 1779, to aid his native State that Laurens hoped to see realized a scheme which he had for some time meditated of raising a black regiment. This and his views on slavery have already been narrated above in Chapter XXVII. of the *Life of Henry Laurens*, pp. 445 to 452 of which should be read at this point as an integral part of the life of John Laurens.

John Laurens urged his plan in 1779 in the South Carolina Legislature, of which he was a member. His attendance upon the Assembly whenever possible was in keeping with the vital interest which he took in the political as well as the military aspects of the Revolution. As ardent as was his interest in military affairs, he was entirely free from the feeling of the mere soldier of fortune, but fought solely as a patriot and for an end worthy in itself. This is exemplified in his comment upon what he considered a dangerous usurpation by the Legislature of his State when in 1778 it took upon itself to

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N. Y. Pub. Lib. On the influence of Geneva in bending young minds toward Puritanism and political reform, see Stanhope and Gooch, *Charles Third Earl Stanhope*, Chap. I., and p. 20.

<sup>1</sup> "Hateful" written over a word which begins with a *d*, seems to have traces of an *m* in the middle and ends with a *d*!

<sup>2</sup> John Laurens to Francis Kinloch, spring of 1776, in Emmet Collection, N. Y. Pub. Lib.

adopt a new and more adequate Constitution. After the new document was drafted the members dispersed and sought to learn from association and consultation the views of their constituents, and finding them favorable, they proceeded to put the new Constitution into effect. There was not the slightest plan for usurpation, whatever might be considered the tendency of such action. Young Laurens's views on the legal point as expressed in a letter to his father, May 12, 1778, were the same as those of John Rutledge, but he of course felt none of Rutledge's regret that the new Constitution closed the door of reconciliation with the mother country, and he particularly abhorred the aristocratic and oligarchic tendency inherent in the act:

I heard by mere accident from General St. Clair that the legislative power had ventured to alter the Constitution of So. Carolina, that it is now degenerated into an aristocracy. This has occasioned no less surprise than unhappiness in my mind. I should not have imagined that in a country where the people are generally enlightened, and of an independent spirit, we should have suffered the depositaries of our constitution to usurp a power which is inherent only in the people, and to have corrupted what they were delegated to preserve. If this passes with impunity, the same men may next vote themselves perpetual representatives of the people. A few men of powerful influence may next have credit enough to take all government into their own hands. To an oligarchy succeeds a monarchy, limited by a few checks, which may be easily removed by an artful prince, and make way for despotism. It will be said that the confederate states, and the temper of the Carolinians themselves, would never suffer corruption to go such lengths; but I only observe that it is of the most fatal tendency to suffer fundamental principles to be violated, and that the measures taken by our present representatives are subversive of liberty. If your leisure will permit, I entreat to send me some account of these transactions, or perhaps I shall be able to get it from Mr. Drayton, who, I understand, is on his way to camp.<sup>1</sup>

In the spring of 1779 Prevost was engaged in his invasion of South Carolina, which so nearly resulted in what occurred a year later, the capture of Charleston. Laurens took an active part in the campaign. At Tullifinny Hill he was entrusted with the duty of bringing off the rear guard of the army, but rashly

<sup>1</sup> *Army Correspondence of Col. John Laurens, 172-3.*



crossed the Coosawhatchie river without authority and brought on an engagement in which he suffered a sharp defeat and was so severely wounded as to have to relinquish the command to Captain Shubrick. But for Shubrick's prudence in conducting the retreat, the entire force under Laurens's command, one-fourth of Moultrie's army, would have been captured. The incident displayed Laurens's only fault as a soldier, as Washington expressed it, an intrepidity bordering on rashness. On this occasion it compelled Moultrie to retreat toward Charleston without further opposing the enemy. In the siege which followed Laurens is said to have threatened to run his sword through the first civilian who urged the surrender of the city against the advice of the Commander-in-Chief; but we must not believe all the wild things we hear. When it was proposed to surrender the city on very disadvantageous terms he refused to bear the message.<sup>1</sup> Prevost unexpectedly withdrew and was soon in turn besieged, September and October, in Savannah. In the plans to reduce Savannah Laurens's counsel was as discreet, though unfortunately not accepted, as his conduct at Coosawhatchie had been rash. I know of no support for the statement that he was the first to mount the redoubt in the unsuccessful attempt to storm the city. His duties on that occasion do not appear to have called for this achievement.<sup>2</sup>

After the unsuccessful attack on Savannah by the Americans, Laurens went, late in 1779, to Washington's headquarters in the North to secure reinforcements for the war in the South, where the British were now concentrating their efforts in accordance with their plan of rolling up the confederacy from the south, or, we might say, clipping it away piece by piece.

December 7, 1779, he was at Morristown, December 17 at Philadelphia, and January 27, 1780, he was back in South Carolina, where he took a very active part in the defense of the city of Charleston and became a prisoner when it fell, May 12, 1780.<sup>3</sup> He was soon released on parole, and we find him

<sup>1</sup> McCrady, iii., 153-76.

<sup>2</sup> *Ibid.*, iii., 352-419; Ramsay, ii., 499.

<sup>3</sup> Washington's *Works*, vi., 415-6; Jas. Lovell to H. Laurens, Dec. 15, 1779, in Laurens's Papers; John Laurens Papers, Nos. 134 and 136 in L. I.

accompanying his father down the Delaware on his departure for Europe in August following. McCrady's statement that Congress expedited his exchange in order to send him upon an important mission seems to be a mere inference, as Washington expressed to his valued young friend the regret that his religiously observed practice of exchanging officers in strict order of their rank and date of capture prevented his liberating him; and when, shortly before November 7th, he was exchanged, Washington spoke of his being free to go South again if he chose, without a hint of any special purpose for which he was destined.<sup>2</sup>

Laurens's nature was such that he could not be satisfied unless in a position of real and arduous service. Nothing was more natural than that he should have declined the appointment, Sept. 29, 1779, as secretary of the legation at Paris. While such posts of pleasure, honor, and safety were being eagerly sought, his father exhibited a shining example of disinterested patriotism by his unwillingness for his son to accept, though he left it so completely to John's judgment as not to intimate his opinion until the young soldier had declared that his own sense of duty forbade. He might have accepted, John wrote, had the siege of Savannah succeeded, but he could not under the existing circumstances.<sup>3</sup> But when his military experience and knowledge could be of service, he was ready to go. December 11, 1780, he was unanimously elected as Special Minister for securing immediate aid from France.<sup>4</sup> Bancroft's reflec-

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Hist. Soc.; Nathaniel Peabody to Henry Laurens, Dec. 17, 1779, in Stauffer Col., transcript in Carnegie Inst. for *Letters from Members of Cont. Cong.*

<sup>2</sup> IV., 496. No authority is cited.

<sup>3</sup> Washington's *Works*, vii., 256-7, 287-9. Congress did, however, July 10, 1780, perhaps through the influence of his father, who arrived in Philadelphia ten days before, resolve for his speedy exchange.—*Jours.*, xvii., 598.

<sup>4</sup> Henry Laurens to R. H. Lee, Oct. 12, 1779, in Lee Papers in Amer. Philosophical Soc., Philadelphia; John to Henry Laurens, Oct. 22, 1779, No. 133 in John Laurens Papers in L. I. Hist. Soc.; *Journals of Cong.*, xv., 1128, 1366. In a letter his father states the date of the election as the 28th.

<sup>4</sup> *Secret Journals*, ii., 357. The *Pennsylvania Gazette* of March 18, 1781,

tion that he was less fitted for the work than Hamilton appears to have no other ground than admiration for Hamilton's after achievements; for neither Hamilton nor anyone else could have accomplished the ends of his mission more satisfactorily, not to mention the advantage Laurens enjoyed in the mastery of the French language. Laurens himself unsuccessfully urged the selection of his friend Hamilton as being "superiorly qualified in every respect." Even on this occasion, which required the services of a soldier, he wrote out his declination, but left it unsent.<sup>\*</sup> There appears to be no reason to accept the statement of Laurens's secretary on his mission, Capt. William Jackson, written forty-one years later, that he was selected on the advice of Washington, except the circumstance that the election was unanimous. Washington's letters on the contrary indicate that he made no nomination. To the same effect is the evidence of Laurens's letters. He wrote:

Your Excellency will be not a little surprised to learn, that Congress have been determined to send me to France, for the special purpose of

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as quoted by Wharton, i., 585, says that Hamilton "on the first ballot had as many votes as Colonel Laurens." The Journal simply states that Laurens was unanimously elected.

<sup>\*</sup> *S. C. Hist. Mag.*, i., 14 and 147. The editor, Mr. A. S. Salley, Jr., says that, having learned that "about the end of 1779 or the beginning of 1780 Col. Laurens was offered a commission as special envoy to Europe, but declined," he is of the opinion that the intended resignation endorsed "Copy of a letter to Congress containing an intended Resignation from J. L. in December 1780 or January 1781" refers to the former commission. The learned and usually accurate editor has fallen into an oversight here. The former appointment was not as envoy, but only as secretary of the legation at Paris, and was made September 29, 1779, more than a year previous to this, and was declined in a letter of Dec. 6, 1779. (*Jours.*, xv., 1128, 1366.) John Laurens or his father, whichever made the endorsement, knew of course that it referred to his appointment as minister, December 11, 1780. But we are not dependent on this. Both the unsent declination and the acceptance which was actually sent state themselves to be in answer to the President's "letter of the 14th" ("Inst." is added in the acceptance, and it is endorsed "December, 1780.") and they both contain the regret that a better qualified man had not been selected and state the writer's preference for the field in almost identical words, indicating their contemporaneous composition.

representing the present state of our affairs and soliciting the necessary succours. I was in great hopes, that Congress would have availed themselves of the abilities of Colonel Hamilton for these important objects, and that I should have been suffered to persevere in a line of duty, to which I feel myself more adequate. But, unfortunately for America, Colonel Hamilton was not sufficiently known to Congress to unite their suffrages in his favor, and I was assured that there remained no other alternative than the total failure of the business. Thus circumstanced, I was induced to submit, and renounce my plan of participating in the southern campaign.<sup>1</sup>

Passing by the question of whether it is probable that Laurens would have been ignorant of Washington's having urged his selection, we may feel sure that if such had been the case, it would have been used among the arguments by which his friends sought to overcome his reluctance to accept.

After overcoming numerous impediments, Laurens put to sea from Boston, Feb. 13, 1781, in the *Alliance*, under the famous Captain, afterwards Commodore, John Barry,<sup>2</sup> and landed at Lorient on the southern coast of Brittany, March 9th. Here he waited two days for the arrival of the Marquis de Castries, the Minister of Marine. Deciding not to delay longer, he set out and met the Marquis in a few miles and used the opportunity of urging the necessity of naval superiority in American waters. Passing through the historic country lying along the southern coast of Brittany, the northern valley of the Loire and the regions around Le Mans and Chartres, he arrived in Paris about the middle of March.<sup>3</sup>

<sup>1</sup> John Laurens to Washington, Dec. 23, 1780, in Washington's *Works*, vii., 341, n.; *Secret Journals*, ii., 357; Garden's *Anecdotes*, second series, 15. Care is necessary in judging Capt. Jackson's account of the mission in Garden's *Anecdotes*, as it was written in 1822, forty-one years after the events, and nothing is more common than for old men to confuse the details of long past events in which they had participated. E. g., Jackson gives the date of sailing as Feb. 9, instead of 13; the time of passage as twenty days, instead of twenty-five, and says that they pressed on to Paris without delay, whereas they waited two days at their port of landing for the arrival of Minister of Marine de Castries. For further considerations on the reliability of Captain Jackson's statement, see below, pp. 482-4, and notes.

<sup>2</sup> Washington's *Works*, vii., 438, n.; Franklin's *Works*, viii., 370, n.

<sup>3</sup> Sparks, ix., 207. The statement by several writers that he arrived in Paris March 19th must be an inference from the fact that his first dis-

The English ministry sought to drive him from his mission by suggesting to his father, then a prisoner in the Tower of London, to have him withdraw from France in order to secure for his parent milder treatment. Henry Laurens scorned the proposal as incompatible both with his own and his son's character. Young Laurens sought both while in France and after returning to America to secure his father's release, but of course found every avenue closed. He gathered what news he could of his parent, and hearing that his funds were running low, he deposited £2400 to his credit in Nantes and requested Franklin to minister to his necessities.<sup>1</sup> But he had the privilege of being again with his young wife and four-year-old child who came to the continent to meet him. Hardly had he set his foot again upon his native soil, where he hoped soon to bring them, when she lay dead in the foreign land to which she had gone for their last meeting, and in little more than another year he lay cold and stark upon the distant field.<sup>2</sup>

The surmises of Simms and others of Laurens's being unwelcome to Franklin as implying in his very presence a sort of reflection appear to be groundless; thrown in doubtless by some narrator having too strong a taste for spice. Franklin even wrote to Laurens that, having asked of Congress to be relieved, he should be happy to see him his successor but for the fact that he could not be spared from the army. Laurens<sup>3</sup> on his part urged Congress not to accept Franklin's resignation. Franklin, it is true, did not approve of Laurens's direct, almost threatening manner towards the ministers or his disregard of diplomatic forms; but of jealous or wounded feelings he revealed no symptoms. Though the young envoy offended by his impetuosity and insistence, and perhaps too by the

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patch from there is dated the 20th. Franklin speaks, March 17, of learning from Colonel Laurens that "Jones's arrival was not heard of at Boston the 11th of February." May 14, he speaks of Laurens's having arrived after March 12.—*Works*, viii., 224, 252.

<sup>1</sup> Receipt of Babut & Labouchère, in *S. C. Hist. Mag.*, ii., 36.

<sup>2</sup> The facts at our command related above at p. 469 and n. 3, make it practically certain that Mrs. Laurens with their child met her husband in France.

<sup>3</sup> Franklin's *Works*, viii., 260.

exorbitance of his demands, we cannot doubt that he nevertheless brought France to prompter action. Vergennes, the minister of foreign affairs, wrote to Lafayette:

Mr. Laurens is not without zeal, but I confess that he has hardly manifested it in the manner required by his commission. We have taken no exception at it, because we have attributed the conduct of Mr. Laurens merely to his inexperience in affairs. I think it necessary to speak of this officer, because it is possible, that displeased at not having obtained all that he demanded, or rather exacted, namely, arms, clothing, ammunition, and twenty-five millions besides, he may be somewhat partial in the account he gives to his General; and I think it my duty to afford you the means of counteracting any prejudices, which he might receive from it. For the rest, Mr. Laurens has been well received by all the ministers of the King, and I believe that he will in this respect express himself perfectly satisfied.<sup>1</sup>

The French minister in America conversed with Laurens after his return to the United States on the manner in which he had pressed his mission and, if we are to accept his report, convinced him of his indiscretion:

He appeared to be sensible of his mistake, and said he was a soldier, little acquainted with the usages of courts, but warmly attached to his country; and that this sentiment may have led him beyond the bounds, which he ought to have prescribed for himself. He has suffered none of the complaints to escape him here, in which he indulged at Paris.<sup>2</sup>

The extraordinary incidents related forty-one years afterwards by Capt. William Jackson, Laurens's secretary on his mission, appear to be touched, in a degree impossible to determine, by an old man's imagination. While they contradict nothing which we have in the brief contemporary official accounts, they go so far beyond anything in them as to raise the suspicion that the aged narrator allowed himself to some

<sup>1</sup> Vergennes to Lafayette, April 19, 1781, in Washington's *Works*, viii., 526. Vergennes complained that "Notwithstanding the great efforts we are making for the United States, Mr. Laurens is not satisfied. This officer has treated me with great neglect since I announced the determination of his Majesty."

<sup>2</sup> Luzerne to Vergennes, Sept. 25, 1781, *ib.*, 527, n.

extent, doubtless unconsciously, the privilege of the historical romancer in impressing vividly his hero's energy and zeal.<sup>1</sup> Jackson relates that Laurens, having become impatient with six weeks of fair promises and no performance, and considering that the salvation of America depended not only upon French assistance, but upon its arrival within the next few months, determined to force matters to a conclusion. One morning early in May he called upon Vergennes and

with his usual animation, was urging the necessity of compliance with his solicitations, when the Count de Vergennes, in a manner at once smiling and sarcastic, observed—"Colonel Laurens, you are so recently from the Head Quarters of the American Army, that you forget that you are no longer delivering the orders of the Commander-in-Chief, but that you are addressing the minister of a monarch, who has every disposition to favour your country."

Colonel Laurens, rising from his chair with some emotion, stepped to the opposite side of the room, and returning to the Count, expressed himself in nearly the following words—"Favour, Sir! the respect which I owe my country will not admit the term—say that the aid is mutual, and I cheerfully subscribe to the obligation—But, as the last argument which I shall use with your Excellency; the sword which I now wear in defence of France as well as my own country, unless the succour I solicit is immediately accorded, I may be compelled, to draw against France, as a British subject."

Vergennes is reported to have replied, after recovering from his surprise, "Mais voilà le bon Monsieur Franklin, qui est très content de nous."

Laurens repined that no one respected Franklin more than did he, but that his coming immediately from the American camp enabled him to know many things which had not come

<sup>1</sup> McCrady, iv., 248, quoting a distortion of Jackson's words, by whom I do not know, says of the most extravagant passage that this, "however apocryphal, illustrates at least the energy with which Laurens acted." It should be remembered that Laurens's undiplomatic outburst regarding his perhaps having to draw his sword as a British subject against America's present ally unless adequate aid was forthcoming was, according to Jackson, in the midst of an argument with Vergennes, and not before the King as later writers represent. Mr. James Barnes in his entertaining account of Laurens's mission, entitled "The Man of the Hour," in *McClure's Magazine* for December, 1899, pp. 109-21, adopts all Jackson's errors and ornaments his narrative with inventions of his own.

to Franklin's attention, and concluded with announcing that his next memorial should be presented to the King in person. With the words, "I have the honour to salute you respectfully," he left the room.

Going to the levee, Jackson continues, Laurens, when presented to the King, instead of passing on according to custom, stepped forward and presented his memorial. The King passed the paper to the Minister of War who placed it in his pocket and Laurens passed on without remark.<sup>1</sup>

The next morning, says Jackson, Laurens received a note from Necker requesting an interview at noon, which resulted in his being given liberal supplies. At any rate we know that about this time his representations began to accomplish results, and for the next few weeks he was an extremely busy man. Six million livres had already been promised on Franklin's solicitations, and a large part of this was put at Laurens's disposal by the French government. The business of assembling and shipping supplies was pressed forward with remarkable expedition. He sailed from Brest at the end of May and arrived in Boston August 25th, with 2,500,224 livres in cash and two cargoes of military supplies (and in addition a third shipload had preceded him), having been out of America for six months and twelve days, a large part of this time having been consumed in his long return voyage—an example of efficiency and dispatch worthy of Cæsar or Stonewall Jackson.<sup>2</sup> The time consumed on his return trip—almost three months—raised fears that he and his ships had been captured. He was

<sup>1</sup> It is fair to call attention to the fact that Vergennes complains to Lafayette of Laurens's impetuosity and that a little later, May 11th, he wrote that Laurens "has treated me with great neglect since I announced to him the determination of his Majesty," as cited above. While this might possibly be interpreted in a way not to contradict Jackson's account, it might more consistently be interpreted to mean that Laurens had neglected Vergennes after the latter had announced the King's grant because he no longer needed the minister's services; for Jackson represents that Laurens's appeal to the King was due to the lack of any announcement of the royal determination by the minister.

<sup>2</sup> Franklin's *Works*, viii., 276; Laurens to Franklin, May 28, 1781, in *S. C. Hist. Mag.*, ii., 109-10.



driven out of his course by tempests and had to dodge about the sea to prevent being taken by the British.

Laurens loaded four transports and got three of them promptly to America, but one was driven back by storms. On the French man-of-war upon which he sailed, *La Résolue*, he brought 2,500,224 livres, 18 sous. Part of the money was invested in bills of exchange in Boston to avoid the risk of transportation, and the balance was carried by ox carts under heavy guard to Philadelphia, as the enemy, who held much of the intervening country, would make every effort to capture the rich prize. Crossing the Hudson at Newburgh, it arrived in Philadelphia November 6th. About half the sum, *i. e.*, about \$250,000, was used to establish the Bank of North America, just then struggling into being, which rendered such valuable service in raising the public credit. Private subscriptions barely equaled \$50,000. Laurens's silver, spread abundantly before an astonished public so long unaccustomed to such a sight, restored confidence and immediately put the finances into a much-improved condition—a service of the most urgent need and utmost value. The other half was spent for pressing obligations. Some repaid debts incurred in the Yorktown campaign, though it is not correct to say that the campaign was waged on the funds and supplies which Laurens brought, as they arrived barely too late to be available for this.<sup>1</sup>

Laurens was fortunate in arriving in France shortly after Franklin had obtained the promise of a gift of 6,000,000 livres, besides 4,000,000 more for covering old bills, and he has sometimes been erroneously credited with obtaining these sums.<sup>2</sup> We may readily believe that the 6,000,000 livres were paid over more promptly on account of his exertions, and without any question, his expeditious assembly in France and prompt delivery in America of 2,289,109 livres' worth of supplies, and

<sup>1</sup> Oberholtzer's *Morris*, 102-7; Morris's correspondence in Sparks, August 28, Sept. 7, Oct. 19, 1781, etc.; Sumner, i., 308; Washington's correspondence covering the period, particularly viii., 150, n., *et passim*.

<sup>2</sup> *Secret Journals*, iii., 35.

2,500,224 livres in cash at a time of critical need rendered his country a great service.<sup>1</sup>

Of more value in the bringing of the war to a successful conclusion at Yorktown was his securing the prompt dispatch of naval reinforcements to America.<sup>2</sup> In addition to this he obtained a loan of 10,000,000 livres, which was negotiated in Holland for the United States under France's guarantee. Franklin gives Laurens full credit for this, though his biographer Parton attributes it on general principles to Franklin.<sup>3</sup> Vergennes said that Laurens ought to be satisfied with the result of his mission, though not obtaining all that he sought.<sup>4</sup> It therefore appears to me unjust to minimize its importance, as he obtained the prompt delivery in America of what had already been promised and obtained a new loan of 10,000,000 livres, which, though it might have been secured by some one else, was as a matter of fact granted in response to his representations. The selection as Special Minister fell upon him as a military man of character, information, and talent, whose first-hand knowledge of conditions would be likely to bring prompt results, and the outcome seems to have justified the judgment displayed in his selection.

Though Vergennes was at first offended by Laurens's impetuosity and his passing him over in making direct application to the King, he was forced to admire his character and ability and wished to see him installed as executive secretary to Franklin; for certainly there was no gainsaying his promptness and ability as an administrator.<sup>5</sup> Necker complimented him when

<sup>1</sup> 397,000 livres' worth of supplies were to be sent later as a part of Laurens's acquisitions. Franklin's *Works*, viii., 274-5; 289; 290-1; Luzerne's communications to Congress of Vergennes' correspondence, in *Secret Journals*, iii., 40-43.

<sup>2</sup> John Adams to Livingston, Feb. 21, 1782, in Sparks, vi., 262, and Wharton, v., 196, gives Laurens full credit for this.

<sup>3</sup> Franklin's *Works*, viii., 276-7; Wharton's *Diplomatic Correspondence*, v., 515; Sumner, i., 300, and ii., 8 and 57; Parton's Franklin, ii., 391. The loan at first appeared impossible, and France agreed to advance the money herself; but it was finally borrowed in Holland, as related, on France's guarantee.—Winsor, vii., 72.

<sup>4</sup> Sparks, ix., 15; *Secret Jours.*, iii., 36-7.

<sup>5</sup> Wharton, i., 585

he had had ample opportunity to judge<sup>1</sup> by saying, "I have recognized all the honesty of your character and the wisdom of your conduct" ("J'ai senti toute l'honnêteté de votre caractère et la sagesse de votre conduite").

While Laurens was in Europe the unfortunate Captain (or Commodore) Alexander Gillon, of South Carolina, was involved in financial difficulties which prevented his putting to sea with the ship of supplies which he had purchased for his State. Laurens purchased £10,000 sterling worth of his goods, which Gillon faithfully delivered in Philadelphia, though, due to complications for which Laurens was not responsible, he never received the money.<sup>2</sup>

The King gave Laurens on the completion of his mission a gold snuffbox ornamented with the royal portrait and set with brilliants (not diamonds, as commonly stated). Years afterwards the member of the family to whom it had fallen was forced to sell it. It was bought by an enthusiastic admirer of Laurens who outbid all others with the intention, she said, of restoring it to its owner—which, however, she omitted to do.<sup>3</sup>

After reporting to Congress Laurens immediately joined Washington in the Yorktown campaign, the final naval arrangements making which possible he had urged so effectively while in France. He played a brilliant part in the siege, leading the successful turning of one of the redoubts captured from the British. "Laurens," says Bancroft, "was one of the first to climb into the redoubt, making prisoner of Major Campbell, its commanding officer," and by his example inspired the assailants commanded by his brother officers to their best efforts.<sup>4</sup> He on the part of the Americans and the Viscount de Noailles on the part of the French were given the duty of negotiating the terms of surrender, in which position he enjoyed the opportunity of imposing upon the British the same terms which they had the year before forced upon him

<sup>1</sup> May 16, 1781, *S. C. Hist. Mag.*, ii., 38.

<sup>2</sup> D. E. Huger Smith in *S. C. Hist. Mag.*, ix., 206 *et seq.*, on "Commodore Gillon and the Frigate *South Carolina*"; Wharton, *passim*.

<sup>3</sup> Incident related to me by Mr. Henry Rutledge Laurens.

<sup>4</sup> V., 520.

and his fellow Americans at Charleston. A remarkable coincidence, which formed the subject of comment by Burke in Parliament, was the fact that as Captain General of Prisoners he held Lord Cornwallis as a prisoner, while that nobleman, as Constable of the Tower of London, held Laurens's father as his prisoner.\*

South Carolina still lying largely in the hands of the British, Laurens repaired for the third time to his native State to join in expelling the enemy, the desire to do which a year before had come so near leading him to decline the mission to France. He attended as a member of the important "Jacksonborough Legislature" in January, 1782—the first Legislature which could look upon itself with assurance as the governing body of an independent State—as he had attended as a member when South before, and again urged his scheme for raising negro troops. It received, he says, twice as many votes as in 1779, but failed.<sup>2</sup> Declining all civil office except that of a representative, he joined the forces opposing the enemy. A British expedition from Charleston was approaching the Combahee in search of rice for the garrison. Laurens, though ill in bed, determined to take part. He occupied at this time the responsible position, at a point near Wappoo creek, of guarding Greene's lines of secret communication with the city.<sup>3</sup> Hearing of the expedition of the enemy, Laurens rose from his bed of fever, wrote a hurried note to Gen. Greene, and, in disregard of his orders and the important duties with which he had been charged—a practice which the loose discipline of the American forces rendered not unusual,—put off for the scene of action. After spending the evening in a delightful company of ladies at the plantation house of Mrs. Stock near the Com-

\* Washington's *Works*, viii., 178, n., 184.

<sup>2</sup> S. C. *House Journals*, MS.; McCrady and Ramsay; Washington's *Works*, viii., 323, n.

<sup>3</sup> The following account of the events leading to Laurens's death is based on McCrady, iv., 641-6; Washington's *Works*, viii., 357, n., quoting letter of Laurens's immediate superior, Gen. Gist, making his report to Gen. Greene, Aug. 27, 1782; Mills' *Atlas*, map of Colleton County; Lossing's *Field Book of the Revolution*, and Colton's wall map of South Carolina, 1854.

bahee river, he turned from this happy scene only two hours before he was to march down the river with a small force to harass the enemy's retreat at a work which had been thrown up at the extreme southern end of Chehaw Neck, the command of which he had requested. But the enemy, having learned of his movements, with excellent judgment anticipated him. Near Tar Bluff, at the northern end, or opening, at the loop of the Combahee before it takes its final course to St. Helena Sound, they had concealed a force of a hundred and forty men in the tall grass. The point is about ten or eleven miles below Combahee Ferry and a mile or so above the work which was Laurens's objective point. Riding at the head of his fifty men, before the rising of the sun, the first intimation that he had of danger was when the enemy rose to fire. Retreat itself would have been perilous; to surrender was not his nature; an impetuous dash might shatter the enemy. Calling his men to follow, he dashed forward, only to fall at the first fire. His troops suffered severely. The whole movement was a failure, and one of the best and bravest officers in the army lay dead, a sacrifice in an obscure skirmish, the most complete success of which would have been immaterial. His was almost the last life to be given for the cause.

Washington was deeply grieved at the loss of the young officer whom he so loved and valued. Writing three years afterwards to Gordon, he said, "No man possessed more of the *amor patriae*. In a word, he had not a fault, that I ever could discover, unless intrepidity bordering on rashness could come under that denomination; and to this he was excited by the purest motives."<sup>1</sup> John Adams declared that the country had lost its most promising character. Franklin had hoped that Laurens might succeed him at Paris as one than whom there was none better qualified.<sup>2</sup> His unnecessary and, for anything save heroic example, useless death was a real blow to his country. He was truly one of the most admirable and attractive characters of the Revolution, deserving Robert Y.

<sup>1</sup> Washington's *Works*, ix., 100.

<sup>2</sup> Adams to Henry Laurens, Nov. 6, 1782; Franklin to John Laurens, May 17, 1781.

Hayne's tribute of the Bayard of America, without fear and without reproach. Hamilton said that his heart realized the patriotism of which others talked. Like his hero Washington, he refused to receive pay for his services either as a soldier or a diplomat. It is evidently in answer to a provision of an income by his father that he writes to that dear friend:

My heart overflows with gratitude for your kind letter of the 29th ulto. You grant me a privilege which I wished to have, but dared not solicit. I shall serve my country with greater satisfaction, and regarding you as the source of all my happiness and the author of every laudable action of which I am capable, answer your friendship with increasing love. I have drawn no pay, and would wish never to draw any, making to my country a pure offering of disinterested services.<sup>1</sup>

He considered (in the words of Robert Y. Hayne) "that in the hour of calamity, the life and fortune of the citizen is the property of his country, and that his services should be rendered gratuitously." After his death Congress paid to his infant daughter the sum to which his salary would have amounted.<sup>2</sup>

Laurens's faculty of commanding the enthusiastic friendship of his associates was remarkable. The French officers particularly fairly idolized him. He was like his father in that even his enemies paid him their sincere respect. The Charleston *Royal Gazette* of September 7, 1782, contained the following comment on his death:

By accounts from the country we learn, that Mr. John Laurens, a Lieutenant-Colonel in the rebel army, and son of Mr. Henry Laurens, now in London; was lately killed near Combahee river, in attempting to impede the operations of a detachment of his Majesty's troops.

When we contemplate the character of this young gentleman, we have only to lament his great error on his outset in life, in espousing a public cause which was to be sustained by taking up arms against his Sovereign. Setting aside this single deviation from the path of rectitude, we know no one trait of his history which can tarnish his reputation as a man of honour, or affect

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<sup>1</sup> John Laurens to Henry Laurens, June 1, 1778, in *S. C. Hist. Mag.*, vi., 106. To the same effect, John Laurens to Henry Laurens, Oct. 23, 1778, *ib.*, 110.

<sup>2</sup> *Army Correspondence of Col. John Laurens*, 49 et seq.; Journals of Congress, 1784.

his character as a gentleman. His generosity of temper and liberality of opinion, were as extensive as his abilities; as a soldier, he fought for glory, and as a citizen he pursued what he thought to be the interest of his country—He constantly condemned every oppressive measure adopted against the Loyalists, and always contended that a steady and disinterested adherence to political tenets, though in opposition to his own, ought to render their possessor an object of esteem rather than of persecution. His humanity can be no better illustrated than by mentioning what we are well assured was the case, that he highly reprobated the refusal of Matthewes, the Rebel Governor, to the proposal from this garrison, respecting the purchase of a quantity of rice; on this generous principle that it was cruel to withhold from those persons whom the Assembly of the Province had banished, the provisions which were necessary for the support in a foreign country, of the slaves they were to carry with them.

While we were thus marking the death of an enemy who was dangerous to our Cause from his abilities, we hope we shall stand excused for paying tribute at the same time to the *moral* excellencies of his character—Happy would it be for the distressed families of those persons who are to leave this garrison with his Majesty's troops that another LAURENS could be found!<sup>1</sup>

The combination of military talent, intellectual brilliancy and maturity of character which marked him hardly find a parallel among his associates save in his friend and fellow-officer on Washington's staff, Alexander Hamilton. If both these, remarkable youths had been spared, we have every reason to believe that Laurens also would have acquitted himself nobly in the constructive work of the next two decades. Quick in his mental operations, handsome, socially accomplished, highly educated, endowed with large wealth, eminent position and the prestige of a great father, he had the prospect of the career of a powerful leader.

A splendid full-length life-size portrait (presented in 1911) now hangs in the hall of the South Carolina House of Representatives. But more impressive is his almost unknown grave. He was buried first upon the Stock plantation upon which he fell; but his father moved the body to his home at Mepkin plantation, twenty-nine miles up the eastern bank of Cooper river from Charleston. The family graveyard, originally about twenty feet square, seems to have been enclosed on this

<sup>1</sup> Quoted in *S. C. Hist. Mag.*, ii., 28-9.

occasion. He was, it seems, the first to be laid there, close against the original southern wall. Beside him lie the ashes of his father—two dear friends, giving to this day the impression of something gigantic by their graves ten feet two inches long.<sup>\*</sup> Next to the north wall lies Henry Laurens's youngest child, Mrs. Eleanor Laurens Pinckney, the young wife of the brilliant Gov. Charles Pinckney. Before the next grave—a grave of another generation—could be dug, twenty-seven years later, the yard had to be enlarged; and as time went on, again its walls were expanded, each time with workmanship inferior to the last and each time with material inferior to the original, suggestive of the decay of the economic and social system to guard some of whose most brilliant and worthy representatives it was reared. How sad is the reflection that the once noble plantation, with its generous mansion standing in the midst of a beautifully kept park of about a hundred acres, has now become simply part of a great hunting preserve owned by Northern sportsmen. The old graveyard is retained by the family and is still a ho'y spot to the lover of his country. One

<sup>\*</sup> Lossing, after one of the best accounts of Laurens's death, based on the reports of the officers, says in a note (ii., 573): "He was buried upon the plantation of Mrs. Stock, in whose family he spent the evening previous to his death in cheerful conversation. A small inclosure, without a stone, marks his grave." Lossing was in South Carolina in January, 1849, visiting points of Revolutionary interest, but it is hardly to be supposed that he sought out the inaccessible spot where Col. Laurens fell. It is probable that Laurens's grave was surrounded by a plain enclosure, which may possibly have been standing in 1849. But there can be no doubt that his father moved his body very early after 1782 to Mepkin. The three graves bearing date of 1782, 1792 and 1794 (John, Henry, and Eleanor Laurens) are within the original graveyard wall and completely occupy the space. Each of these graves is about ten feet long and has the same style of headstone, and the lettering on each is of the style common in the late 18th century, a style very different from that of the later graves. The differences in the other graves, beginning with the first addition in 1821, are as marked as the differences between the oaks and pines which surround them. Lossing evidently did not even know of Laurens's grave at Mepkin, and apparently based his remark about the original grave on someone else's statement—perhaps a statement contemporary with the making of the Stock plantation grave and its enclosure.



holds dear the little trees that spring from the graves for the dust from which they draw their life. The plain headstones are denied by the severe taste of their designer any reference to official place or title or manner of death, save for a slight exception in favor of John. At the outbreak of the Revolution the father reproved his impetuous son for speaking too hastily of its being sweet and fitting to die for one's country. But events had proved that it was no schoolboy vamping and that if ever patriot had earned the right to use those words, it was John Laurens. The simplicity of the inscription is more eloquent than a great slab filled with eulogies:

Sacred  
to the memory of  
JOHN LAURENS  
son of  
HENRY AND ELEANOR  
LAURENS  
Born 28th October 1754  
Died 27th August 1782  
"Dulce et decorum est  
pro patria mori."

Thomas Day, the noted English author, wrote at the request of Henry Laurens, of whom he was an intense admirer, two inscriptions, one of which was intended to commemorate the spot where John Laurens fell; and a fitting service for the Daughters of the American Revolution would be to see that these lines are at last devoted to the use for which they were prepared:

Beyond the rage of time or fortune's power,  
Remain, cold stone, remain and mark the hour  
When youthful Laurens yielded up his breath  
And sealed his country's liberties in death.  
For injured rights he fell and equal laws  
The noble victim of a noble cause.  
Oh! may that country which he fought to save  
Shed sacred tears upon his early grave.

Day prepared the following simpler inscription in prose as an alternative:

Sacred to the Memory  
of Colonel John Laurens  
Who near this spot on the 27th of August, 1782,  
Was killed valiantly fighting for his country  
Against an unequal force of British Invaders.\*

\* Both Day's inscriptions are in Henry Laurens's MS. letter books.

## APPENDIX II. (TO CHAPTER XI)

### LAURENS ON CUSTOMS OFFICERS AND COURTS OF VICE-ADMIRALTY, 1769

THE following entitled, "A Few General Observations on American Custom-house Officers and Courts of Vice-Admiralty," is appended to Laurens's "Extracts from the Proceedings of the High Court of Vice-Admiralty in Charlestown," etc., 2d edition (Charlestown, 1769). A footnote tells us the "Observations" were previously published in Philadelphia. It is one of the best pieces of composition which we have from Laurens and illustrates how the best colonial thinkers realized earlier than did English statesmen that England's expansion into an empire demanded an adequate imperial policy.

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The appointment of officers whose business should be to inspect and superintend the conduct of the trading part of the community was very soon found expedient and necessary in every commercial state. Observation and experience left too little room to doubt, that some men, if at liberty to pursue their inclinations, preferring their own private gain to the public welfare, would prosecute schemes of trade inconsistent with the general good. Policy directs that some articles should be carefully preserved and retained within the country and that others should be entirely excluded, or admitted under peculiar circumstances and with great caution. Such, for instance, as afford materials for useful and advantageous manufactures and such as contribute to the cheap and convenient support of the industrious part of a society should by no means be ex-

ported, unless they are produced in superfluous quantities, which seldom can happen, as the plenty of materials and cheapness of living will induce greater numbers to engage in manufactures. Those articles, on the other hand, which tend to impoverish the community by promoting luxury, idleness, and debauchery, should be wholly prohibited from importation. Some states have, indeed, allowed such articles to be sparingly imported from a neighboring state or government, in order to vend greater quantities of their own commodities; but they have found the increase of idleness, and vice its concomitant, greatly to over-balance their profits.

It was likewise discovered that it would be of very great public utility to have some articles in greater plenty than they could be produced in the country or produced in the ordinary course of trade; for states and kingdoms are in this respect like the subjects of which they are composed; none is able to live conveniently without being beholden to his neighbor for some of his conveniences. To encourage the importation of such articles, it is necessary in many cases to offer a bounty to the importer.

Further, trade can never flourish in any state whose merchants are not protected and secured from foreign insults. If a government is remiss and negligent in providing and maintaining a proper armament for their defense, foreigners will on many frivolous pretenses, seize and confiscate the merchant's property, which must soon put an end to his trade.

These several purposes, of appointing and supporting officers, of paying bounties and defending and protecting the merchants, cannot be answered without a very great charge and expense to the government. It is therefore but just and reasonable the merchants should contribute a share of their profits for purposes so beneficial to themselves, as well as the rest of the community.

The most fair, just, and impartial method of assessing such contribution is by laying a tax or impost upon such articles of commerce as would least affect the industrious manufacturer and afford the greatest profit to the merchant.

From this view it appears consistent with the soundest

maxims of policy and the dictates of reason and justice that some duties should be laid on merchandise and rules and regulations established respecting commerce; that officers should be appointed to collect these duties and to enforce a due observance of those rules.

Where the laws relating to trade pursue this plan and keep the original design and intention of their institution in view, and where men can be found to put them in execution who have sufficient resolution and probity to prefer the public good to their own private emolument, and to act up to the true meaning and spirit of such laws;—under such favorable circumstances, commerce must flourish and the community grow rich and happy. But be the laws ever so good and equitable, if bad men are employed as executive officers, who are avaricious, revengeful, and make their private gain the rule and measure of their conduct, under good laws, wrested and perverted by such men, trade must inevitably languish and decay; the spirit of industry and commerce must either submit to them and in the end be entirely extinguished, or by a vigorous exertion of all its faculties such baneful harpies must be expelled.

The mercantile part of the community may be compared to the human body; officers of this stamp may be considered as the cause whereby navigation, the veins and arteries through which the vitals of commerce are conveyed, is clogged and oppressed. A fever naturally ensues. If the strength of the constitution should not be able to expel the moribid matter and restore the blood to its free and unconstrained circulation, the assistance of some skillful physician should be called, who, by a proper application of medicine, may assist nature and remove the cause of the disorder.

O America! how great would be thy happiness and the happiness of that Empire with which thou art so closely united in interest and affection could a physician be found of sufficient probity and wisdom to undertake a perfect and radical cure of those disorders under which thy trade at present languishes!

The laws relating to the customs in America are become so very numerous and intricate that it is a science which requires

a great deal of time and application to comprehend them with any tolerable degree of clearness and perspicuity; and very few merchants have sufficient leisure to acquire a critical knowledge therein, although the conduct of the officers renders such a knowledge absolutely necessary to everyone who would secure his property from seizure:—So that while the fair trader is industriously endeavoring to comply with the laws and not to infringe them in the least iota, he finds himself taken in the snare of some intriguing officer. If he can stoop and submit to such a wretch, an handsome bribe may gain his clearance; if not, he is put to the trouble and expense of prosecution in the Court of Vice-Admiralty, where his property is at the disposal of a single judge, whom it is possible to suppose equally weak and corrupt; for recent instances show that such have been entrusted in offices of great importance to the public weal.

It is by no means intended to arraign the wisdom or good intentions of the compilers of the laws relating to navigation; but this must be said there are some particulars therein which appear to an American hard and peculiarly grievous.

An American thinks it hard he should be obliged to purchase almost all the articles he makes use of from Great Britain at an high price, and at the same time be prohibited from carrying his own produce to the most advantageous market; whereby the British merchant is enabled to set his own price, not only on British goods, but also on the produce of America. By this means the American pays a much greater tax than any person of equal fortune on the other side of the Atlantic, exclusive of the sums he is bound to contribute towards the support of the provincial government under which he resides.

He esteems it an additional hardship that, super-added to the high price he is obliged to pay for British goods, he should be saddled with an heavy duty payable on many of them; particularly at a time when, from the reason above-mentioned, of not being suffered to carry his own produce to the best market, he is not able to pay the first cost of them in Britain. And it is no small mortification to him, that the great sums thus exacted from him should be employed to enrich and

aggrandize a numerous tribe of greedy rapacious officers, many of whom he apprehends are useless; and many others of them he knows are become contemptible, by their dirty, tricky, disingenuous behaviour.

But he thinks it most peculiarly hard and grievous that the little share of property left him, after so many and so great deductions, should be rendered a precarious and uncertain possession.

Were he sure that an honest, upright deportment, and peaceable, inoffensive behaviour would render him secure, he might perhaps sit down quietly and enjoy the pittance left him; but when he reflects, he trembles even for that pittance! When he reflects on the amazing accession of jurisdiction given to courts of admiralty and the numerous cases in which trials by jury are abolished, he is almost led to suspect that he places too great a value upon this boasted privilege, otherwise it would not so lightly be taken from him. He recurs to the history of his ancestors to know what were their sentiments of this flower of English liberty? He finds they esteemed it the Palladium of their constitution. He finds in every period of their history that they asserted it with great firmness, as their unalienable birthright; and, from his searches into history, he is led to conclude, with a late sensible judicious author (Blackstone),

That it is the most transcendent privilege which any subject can enjoy or wish for, that he cannot be affected either in his property, his liberty or his person, but by the unanimous consent of twelve of his neighbors and equals. A constitution that, I may venture to affirm, has, under Providence, secured the just liberties of this nation for a long succession of ages. And therefore a celebrated French writer, who concludes that because Rome, Sparta and Carthage, have lost their liberties, therefore those of England must perish, should have recollected that Rome, Sparta and Carthage were strangers to the trial by jury. It is therefore upon the whole (adds the same elegant writer in another place) a duty which every man owes to his country, his friends, his posterity and himself to maintain to the utmost of his power this valuable constitution in all its rights, and to guard with the most jealous circumspection against the introduction of new and arbitrary methods of trial, which, under a variety of plausible pretenses, may in time imperceptibly undermine this best preservative of English liberty.

Upon examination, he finds, on the other hand, that his ancestors were very cautious of admitting the jurisdiction of admiralty courts. The ancient law of England, both common and statute, confined it to things arising on the sea only, as is learnedly proved by the judges, in answer to the articles of complaint exhibited by the Lord Admiral to King James the First (*Vide* 4. Inst. 134) "And in case part of the cause of the action arose at land and part at sea, the whole was determined in the courts of common law."

He asks how causes relating to the revenue are decided in Great Britain? Whether they are given to the Admiral? He is answered, No. In Ireland? No. America is the only place where cognizance of such causes is given to the admiralty. And what has America done to be thus particularized, to be disfranchised and stript of so invaluable a privilege as the trial by jury? Are the liberties of an American less dear to him or of smaller consequence than those of any other subject of the British Empire? He would presume they are not. Have the Americans abused this privilege, or are they less capable of judging and determining with propriety in cases of property than the other inhabitants of the British Empire? It must be allowed even by their enemies that they are in general intelligent, honest men. What, therefore, can be the reason for dealing thus harshly with the inhabitants of America?

However difficult the solution of this question may seem to be, he can easily foretell, and the prospect affords him the utmost concern, what will be the consequence of this deviation from what our ancestors looked upon as the bulwark of their liberties, and a fundamental principle of the British constitution. Merchants will consider their property as precarious; being liable to be called into the Admiralty to claim it, where the whole decision of the cause, of however great importance, rests on the arbitrary will of one man: And from this consideration they will be induced to draw their effects out of trade as much as possible, and secure what they can. Those who have not already engaged in foreign commerce will consider this method of decision as an additional, if not the most considerable risque attending trade, and many of them will no



doubt be discouraged from the attempt, who might otherwise have become eminent merchants. The lands must of consequence be better settled. Necessity will oblige the colonists to pursue and extend agriculture and manufactures, and in time they will be able to live wholly independent of the mother country; which will undoubtedly prove a fatal wound to her trade and influence.

These are the sentiments of an American who glories in the British constitution and in being a member of the British Empire—whose heart bleeds to think that the interests of Great Britain and America should be separated in idea when they are in reality so closely united; and who would wish to preserve and perpetuate that Empire and that Constitution great and inviolate to latest times.

## APPENDIX III

### GENEALOGY OF THE LAURENS FAMILY, 1685-1792

(See the two tables following)

The dates in this table before March 25, 1752, except for Henry Laurens, are old style, as in original records. The table is made up from the records in the hands of the present head of the Laurens family, Mr. Henry Rutledge Laurens, from Henry Laurens's letters, the St. Philip's Parish Register as published by Mr. A. S. Salley, Jr., also from the manuscript original of this register where not published, Baird's *Huguenot Emigration to America*, the records of the old French Church in New York published in the Collections of the Huguenot Society of America, the inscriptions in the old family graveyard at Mepkin, and a few notes by Mr. A. S. Salley, Jr., when editor of the *S. C. Historical and Genealogical Magazine* in articles by him in that publication.

The childish ages of the women at the time of marriage in many instances, the rapid birth rate, and the frightful infant mortality make tables like these valuable studies.

#### APPENDIX IV. (To PAGE 98.)

##### THE CHEROKEE CESSION OF 1753, AND FORT PRINCE GEORGE

**B**EING dissatisfied with the accounts of the Cherokee cession of 1753 and the location of Fort Prince George, I determined, even though they were merely incidental to the life of Laurens, to examine the manuscripts in the State archives and visit the site of the fort itself.

The statement at second hand by numbers of writers that Governor Glen acquired the area included in the present counties of Abbeville, Edgefield, Saluda, Laurens, Union, Spartanburg, Newberry, Fairfield, Richland, Chester, York, and Cherokee, *i.e.*, about half the "up country," appear to be entirely unwarranted. It would be unreasonable to suppose that the cession of 1753 conveyed any such area, in view of the fact that the treaty concluding the war of 1760-61, in which the Cherokees were completely crushed (see above, page 102), granted as a new cession only this same area<sup>1</sup>; not to speak of the inconsistency that the area in question does not extend at any point up to the location of the fort of 1753, which is stated to have been the upper limit of the grant. But we are not left to such reasoning. Study of the deed of cession of November 24, 1753, and of the correspondence relating to it, supports the view that the Indians intended to cede nothing, and that Glen supposed himself to acquire nothing, except a liberal area for a fort, pastures, fields, and woods for the support of its garrison, and a road for access from the then conventionally recognized upper limit of the white settlements, Long Canes, in the present Abbeville County. Assumption

<sup>1</sup>*I. e.*, it granted to its western extremity. No line was mentioned as the previous western limit of white settlement.

by the whites in the following years to settle pretty much where they pleased in the Piedmont region was simply an expression of their usual determination to take good lands wherever found. Warping, misunderstanding, or disregarding the terms of the cession of 1753 would equally serve their purpose.

For seven years previous to 1753 the Cherokees had been asking for a fort in their lower settlements (*i.e.*, in the extreme northwestern corner of South Carolina), for protection against their Indian enemies and for the better regulation of their trade. The Governor had repeatedly promised them the fort, but not until 1753 could he secure from the colonial Assembly a sufficient appropriation to justify him in building.<sup>1</sup> October 14, 1753, he set out for the Cherokee country with a large retinue, and after being received with great ceremony by the Indians, purchased from them a tract of "many thousand acres" for a fort and the support of its garrison. He proceeded immediately to erect, in the fork of Keowee River and Crow Creek, a more pretentious work than was then usual on the frontier, which he called Fort Prince George. The deed of November 24, 1753, speaks of the fort as "at present building," and calls it Prince George; and we know from the *South Carolina Gazette* of December 17, 1753, that Glen remained on the spot until "having seen that work fully compleated."<sup>2</sup>

Governor Glen describes the founding of his fort as follows<sup>3</sup>:

Soon after my last letter to your Lordships,<sup>4</sup> I arrived in the country of the Cherokees. . . . I acquainted them that my business was to build a fort near the lower towns. [He proceeded to tell them that he had never promised to build a fort over the hills, but that he would report their request for one to the King.] That I might begin in a regular manner with this small fort, I desired to purchase a spot of ground for it, not barely what might be sufficient to contain it, but a tract where the warriors who were to garrison it might plant corn and potatoes and what else they should have

<sup>1</sup> Glen to the Lords of Trade, in MS. *Public Records of South Carolina*, xxv., 348.

<sup>2</sup> The *Public Records* for the next few months contain numbers of references to the fort as recently completed.

<sup>3</sup> Glen to the Lords of Trade, August 26, 1754, in MS. *Public Records of South Carolina*, xxvi., 106 *et seq.*

<sup>4</sup> October 25, 1753.

occasion for not to be burthensome to them,<sup>1</sup> where they might have a range for horses, good pasturage for cattle and plenty of timber for fire wood and the other uses of the fort, and that there must be a road to it from the land that I last purchased from them, they told me that I might built where I pleased and welcome. . . . They crossed the river to the town house at Keowee where they had a great consultation and then came and sold me a tract, and went round it with me, I paid for it . . . [in goods of] near £100 sterling prime cost in Charles Town, the tract contains many thousand acres. . . . The headman who rode round (it) with me . . . gave me a handful (of earth) . . . and . . . some water in his hatt adding that I was now master of better water there than in Charles Town.

The Governor then goes on to describe with some satisfaction the fort which he erected:

I immediately laid out the Fort, having carried Instruments with me for that purpose it is a square with regular Bastions and four Ravelins it is near Two hundred foot from Salient Angle to Salient Angle and is made of Earth taken out of the Ditch, secured with fachine and well rammed with a banquet on the Inside for the men to stand upon when they fire over, the Ravelins are made of Posts of Lightwood which is very durable, they are ten foot in length sharp pointed three foot and a half in the ground.

To the same effect, establishing both the fact that Glen built the fort in 1753, and that he called it Prince George, are the words of the deed of November 24, 1753:

Whereas the headmen of the said Cherokee nation have for many years solicited the said Governor of the province aforesaid, to have a fort built in the Nation; and in order to induce him thereto, freely offered the land in any part of the said Nation he should choose to build upon.

. . . they do offer to make a free donation of all the lands on the northeast side of Kewee River, betwixt a creek known by the name of Mile Creek<sup>2</sup> and the river aforesaid, for that purpose.

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<sup>1</sup> I.e., the Indians, I take it.—D. D. W.

<sup>2</sup> Mile Creek is a small tributary entering the river about four miles above the former village of Old Pickens on the Keowee. Mills (*Statistics of South Carolina*, 676), doubtless quoting the common understanding, naturally fell into the error of saying that Six Mile Creek, Twelve Mile Creek, etc., were called so on account of being so distanced from Fort Prince George. The fact that the Indian deed of cession of 1753 speaks of the fort as being under construction in the fork of the river and "a creek known by the name of Mile Creek" shows that the streams received their peculiar names before the fort was built. Mile Creek (and so on with the others)

But he the said Governor refusing to accept of the same by gift, and being desirous of purchasing it, Therefore, this present paper witnesseth that for [a quantity of valuable goods, the Indians have] granted, bargained, sold, alienated and confirmed unto the said James Glen . . . not only the spot of ground upon which a fort is at present building, near Keowee, and all the lands betwixt that and a place called Long Canes, of the width of said fort; but also all the lands, as well corn fields as pasture grounds, hills, woods and waters, all the right and title the Cherokee Nation can lay claim to in the said lands forever.

In witness whereof, we have subscribed these presents by putting our marks and seals to the same in Fort Prince George, this 24th day of November, in the year of our Lord 1753.<sup>1</sup>

The definition of the proposed gift for the fort, *i.e.*, "all the lands on the northeast side of Keowee River, betwixt a creek known by the name of Mile Creek and the River aforesaid," establishes conclusively the fact that the Indians intended and Glen expected only the site and surroundings for his fort; and it suggests that somewhat the same boundaries were intended when the Indians, in the same document and without alluding to any other boundaries, put the transaction into the form of a sale for no other reason than Glen's "refusing to accept the same by gift, and being desirous of purchasing it." It appears certain that it comprised only a liberal area for a fort and the support of its garrison. It could not have contained any extensive territory for settlement, for the Governor and Indians would not have ridden round such a territory, not to emphasize the fact that it was uniformly spoken of in Governor Glen's own words as for the support of the garrison of the fort and was to be of an

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is a mile below the famous Cherokee town of Keowee, and hence, we cannot doubt, was derived its name. When the town was later destroyed, the white settlers naturally inferred that the distance of the creeks from the fort had occasioned their names.

<sup>1</sup> MS. *South Carolina Council Journal* for 1752-3, being vol. xxi. The deed is found also in MS. *Indian Book*, No. 4, p. 83. It is printed in full in Logan, i., 495-7. The omissions which I have made are legal verbiage which in no wise change the sense. The deed is signed by a number of Indian head men, of whom the first three bore the impressive names of Corane the Raven of Toxawa, Canacaugh, the great Conjurer of Keowee, and Sinnawa the Hawk's Head Warrior of Toxawa.

extent "not to be burthensome to them," that is the Indians. A large acquisition would moreover probably have been spoken of in square miles and not in acres. It seems that no occasion ever arose for marking permanently the bounds of the cession of 1753. The war of 1776 soon swept the Indians out of all these lands.

The situation of Fort Prince George as given in Mills' *Atlas* of 1825, making use of earlier surveys in addition to his own observations (how far the one and how far the other on the present point, I am unable to say), agrees perfectly with the situation pointed out to-day by the dwellers in the valley and the unbroken tradition of more than a century, so far as we can catch it, cropping out from time to time in written or printed form. The land is part of the farm of Mr. J. E. M. Steele, son of Captain Robert M. Steele, its former owner. Captain Steele, who was seventy-nine years of age when I talked with him, described the location of the fort in the fork of Crow Creek and Keowee River, and his son, Mr. J. E. M. Steele, aged forty-three, carried me to the exact spot. The fort was situated on an almost level bottom on the eastern side of the Keowee River, closed in by semi-mountainous hills, about half a mile, more or less, above the mouth of Crow Creek.<sup>1</sup> It is one or two hundred yards east of the river, and immediately to the south of the road leading across the iron bridge built over the river, I am told, in about 1903.<sup>2</sup> Slight lines of

<sup>1</sup> Mills' *Atlas of South Carolina* makes it about three-quarters of a mile.

<sup>2</sup> Several persons from a distance not exceeding a few miles who were on the spot with me pointed out a depression about two hundred yards to the north, under the impression, which is erroneous, that the fort was an excavated area. These men could give no further reason for indicating this position. Mr. Nimmons, a leading citizen of the community and a man of much intelligence who lives at the immediate site of the old Indian town of Keowee on the opposite bank, also pointed out the same spot as Mr. Steele. Either position is commanded by adjacent hills (though the presumably true one not so much as the other), the crest of one of which would appear to be better suited for a fortification. The ease of obtaining water and other necessities in the valley doubtless weighed with Governor Glen. Note in this connection that the situation was such as, when the fort was allowed to go to ruin, to be suitable for a trading house.—Bartram's *Travels in North America*, 330, speaking of its condition in 1776.

elevation run in two directions, but not at right angles, across the field, which has been cultivated for upwards of sixty years, as we know from Mr. Hagood's letter below,<sup>1</sup> and probably for much longer. A Methuselah who had lived there in his youth might point to these and say, "I remember them as the remains of the old earth walls and ditches"; but no investigator of to-day could take them as proof without delving and cross ditching, and probably not with that. Indeed so soft is the loam and so long the period of cultivation that it is remarkable, if these slight elevations are really remains of the fort, that they are perceptible at all.

The fort was allowed almost immediately to fall into dilapidation. Repaired during the disquiet preceding the war of 1760-1, it was after that little needed. Bartram in 1776 found that it "now bears no marks of a fortress, but serves for a trading house."<sup>2</sup> In 1858 a heavy gold ring bearing the date of 1758 was plowed up on the spot, according to the statement of a highly reliable gentleman, Mr. J. E. Hagood of Pickens, in a letter of September 23, 1891.<sup>3</sup> As Mr. Steele and I stood upon the spot, he picked up a bit of clay pipe stem. In about 1912 he picked up here a steel tomahawk and a cannon ball. I carefully measured the cannon ball as two and three-quarter inches in diameter, and the tomahawk as six and three-quarter inches from butt to edge, and the blade as two and three-quarter inches wide. There are iron or steel straps made as a part of it to run up the sides of the handle, with three rivets, two of which are still in place, though all trace of the handle is gone. Formerly there were found in the same area numbers of bullets, some battered as with an impact, and some uninjured. Mr. E. F. Alexander, a prominent merchant of Pickens, fifteen miles away, and a gentleman of thorough reliability, states that "he was brought up near the old fort and has plowed over the old fort many times, and has

<sup>1</sup> Page 508.

<sup>2</sup> Bartram's *Travels in North America*, 330. Cf. Logan, i., 511-12.

<sup>3</sup> Landrum's *Colonial and Revolutionary History of Upper South Carolina*, 29, n.



unearthed many bullets, etc. . . . The land is still in possession of the Steele family."<sup>1</sup>

Opposite and a little below the fort, across the beautiful

<sup>1</sup>Letter to D. D. Wallace, April 26, 1915, from Mr. D. W. Hiott, editor of the *Pickens Sentinel*.

I was led at one time to believe that Governor Glen built two forts in the Keowee valley, one in November, 1753, and another in August, 1754. For convincing me of my mistake, I am under obligations to that relentless foe to historical error and invaluable friend to careful investigation, Mr. A. S. Salley, Jr., Secretary of the South Carolina Historical Commission. I first conceived the idea of a second fort from misreading a letter from Glen of August 15, 1754, to "Sir" (not improbably Sir Thomas Robinson, Secretary of State for the Southern Department, having supervision of the colonies) as being to the Lords of Trade. In his letter of August 26, 1754, to the Lords of Trade, quoted above, Glen describes building a fort among the Cherokees "soon after my last letter to your Lordships." But his last letter to them was not August 15, 1754, but October 25, 1753; and hence his description of August 26, 1754, is of the fort built in November, 1753.

Having conceived the error, other circumstances confirmed me in it. The deed of November 24, 1753, speaks of the Indians' having previously offered the Governor land in the fork of Mile Creek and Keowee River for the fort, of his refusing it as a gift, and of his purchasing land and building a fort which was at that moment in construction. As strong as is the suggestion that the land bought was the same as that offered in the fork of Mile Creek, yet it is to be noted, as Mr. Salley remarks, that the deed does not state that the fort was in the fork of Mile Creek, or even that the land purchased was the same as that offered as a gift. It is not impossible that the deed in granting "all the lands on the northeast side of Keowee River betwixt a creek known by the name of Mile Creek and the river aforesaid," may have intended to include the fork of Crow Creek, where the fort was actually built, a mile or more up the river from Mile Creek.

Mr. Salley has been at the pains of searching the *South Carolina Gazette* for the period and finds that Governor Glen was not absent from Charleston between December 17, 1753, to August 26, 1754, for a length of time sufficient for him to have visited again the Cherokee country; and more directly to the point, he finds that the *Gazette* of Monday, December 17, 1753, in recording the return of the Governor on Tuesday last after an absence of two months, states "that this fort . . . is . . . situated on Keowee River, opposite to, and within Musket-shot of Keowee Town," thus proving that the fort of 1753 was built in the fork of Crow Creek, and not, as I had supposed, a mile below in the fork of Mile Creek.

crystal Keowee River, as it flows swiftly out from its mountains, now laughing over shallows, now so smooth and deep that a man may swim in it—but not swim very much upstream, as I can testify from experience,—is the site of the important Cherokee town of Keowee. It was on a natural platform raised a few feet above the level plain through which the river flows here, and about an eighth of a mile below the fort; within gunshot, the *Gazette* expressed it. Here many Indian relics have been found.

With Governor Glen I can praise the rich black soil; with the Indian chief I can testify to the unsurpassed water, and with Bartram and every other lover of nature I can join in raptures over the lovely Vale of Keowee, the memory of which is a perpetual delight.

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The Cherokee Treaty of 1730.—In the MS. *South Carolina Public Records*, xiv., 276, is a copy of a letter of September 30, 1730 (copied from the British Public Record Office, B. T., xxvi., 2), from an official in London, where the treaty was made, to the Duke of Newcastle stating that the Cherokee treaty is transmitted therewith; but it does not appear in the *South Carolina Public Records*. To search for it in London is a task for the future historian of our Indian relations.

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The Cherokee war of 1760-1.—Avery's *History of the United States*, IV., chapter XVIII., contains an excellent account of the Cherokee war of 1760-1, with a good, small map of the whole region from Charleston to Ft. Loudon, by the author, and a valuable contemporary map of the Ft. Loudon and Little Tennessee River region by Lieutenant Henry Timberlake, who is quoted above in the present work at page 103 and n. 1.

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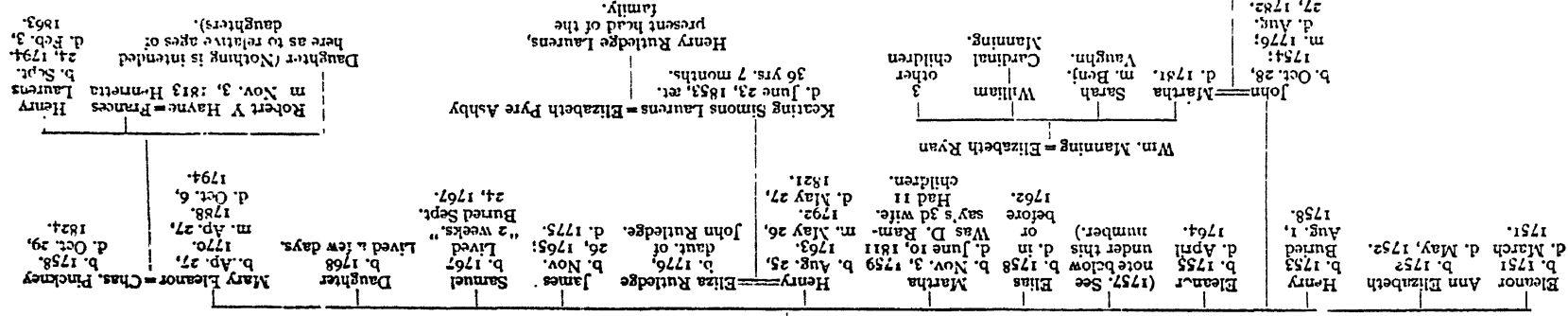
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# Henry Laurens = Eleanor Ball



1757.—I cannot reconcile with statements in the letters of Henry Laurens the statement to me of Mr. H. R. Laurens that Eleanor, whom I give as born in 1755, was born in 1757. Laurens speaks (December, 1764) of "a dead eldest daughter" that year, and again the same year of the death of his "dear little improved girl Nelly." In 1762 he speaks of having a girl of seven years of age. It is hard to believe that he had no child born between 1755 and 1758. It is possible that the confusion of dates has some connection with the Parish Register entries, "25 August, 1755, Laurens, child, buried," and "April 10, 1760, was buried James Laurens, child."

Robert V Hayne = Frances Henry Laurens  
 m Nov. 3, 1813 Henrietta  
 b. Sept. 24, 1794.  
 d. Feb. 3, 1863.  
 Daughter (Nothing is intended here as to relative ages of daughters).

Henry Rutledge Laurens,  
 present head of the  
 family.

Keating Simons Laurens = Elizabeth Pyre Ashby  
 d. June 23, 1853, ret.  
 36 yrs. 7 months.

Jean Laurent = Elizabeth Menigaut  
d. before 1681 d. after 1700

Daniel Lucas = Jeanne Marchand  
d. before 1688

Auguste Grasset = Marie  
Came to N. Y.  
about 1689;  
d. April 7, 1712.

André. b. in Rochelle;  
d. in Charleston shortly  
after 1715 or -16. Married  
in London Feb. 22, 1688, to  
Marie Lucas.

Marie  
b. in Rochelle;  
appears to have  
d. in N. Y.  
before 1716

Auguste Child Child

Samuel Grasset = Martha Poupain

Auguste  
b. 1699

Son  
b. 1704

1. Hester (Esther) =  
born 1700  
m. in N. Y. appar-  
ently 1715 or -16  
Buried Ap. 3, 1742

Jean Samuel = 2. Elizabeth Wicking  
b. Mch. 30, 1696 m. July 3, 1742  
d. May 30, 1747

James  
m. Hannah  
Rivers (widow)  
1725. She  
d. 1738

Jeanne  
b. 1699

Augusta  
b. Oct. 1700.  
Appears to  
have d. or left  
Charleston  
about 1748

Son  
(Was this Peter  
who m. John  
Laurens's daugh-  
ter Lydia in 1742  
and d. 1747?)

Lydia  
d. 1721

Holland

Mary = Nathaniel  
Gittens  
b. 1716 m. 1733  
d. before 1774

Martha = Francis Bremar  
b. 1721 d. before 1774 m. 1739

Elias Bill, the immigrant

Lydia = Peter  
Laurens  
b. 1726 d. before  
1774 d. be-  
fore  
1747

2. James = Mary - 1. Broughton  
b. 1728 d. 1785 m. 1752 July 8  
d. 1784

Alex. Petrie = Elizabeth

Hester  
c. 1731.  
(Doubtless Jean  
Laurens's child.)

John  
d. 1735

John Elizabeth  
Hannah  
b. 1741  
She or a sister  
not known to me.  
m. Egerton Leigh.

Mary  
b. 1724 d. Dec. 8, 1792  
m. July 6, d. May 22,  
1750. 1770

For Henry Laurens's descendants,  
see next page.

Henry = Eleanor  
b. March 6, 1724 b. Ap. 10, 1731  
m. July 6, d. May 22,  
1750. 1770

John Daugh.  
m. Austin

Elizabeth  
b. 1743

Broughton  
b. 1753. d. early.  
(Does register refer to this child in the following entry:  
"25 Aug. 1755, Laurens, child, buried." The following might refer either  
to James or Henry Laurens's child: "Ap. 10, 1760, was buried James Laurens,  
child." See note to 1757 on next page.)

\* The question mark inserted here indicates that it is not certain that the person following is the son or daughter of the parents next above in the table.